UTAH

HISTORICAL QUARTERLY

FALL 2003 • VOLUME 71 • NUMBER 4

UTAH HISTORICAL QUARTERLY
(ISSN 0042-143X)

EDITORIAL STAFF

PHILIP F. NOTARIANNI, *Editor*
ALLAN KENT POWELL, *Managing Editor*
CRAIG FULLER, *Associate Editor*

ADVISORY BOARD OF EDITORS

NOEL A. CARMACK, Hyrum, 2003
LEE ANN KREUTZER, Salt Lake City, 2003
ROBERT S. MCPHERSON, Blanding, 2004
MIRIAM B. MURPHY, Murray, 2003
ANTONETTE CHAMBERS NOBLE, Cora, Wyoming, 2005
JANET BURTON SEEGMILLER, Cedar City, 2005
JOHN SILLITO, Ogden, 2004
GARY TOPPING, Salt Lake City, 2005
RONALD G. WATT, West Valley City, 2004

Utah Historical Quarterly was established in 1928 to publish articles, documents, and reviews contributing to knowledge of Utah history. The *Quarterly* is published four times a year by the Utah State Historical Society, 300 Rio Grande, Salt Lake City, Utah 84101. Phone (801) 533-3500 for membership and publications information. Members of the Society receive the *Quarterly*, *Utah Preservation*, and the quarterly newsletter upon payment of the annual dues: individual, $25; institution, $25; student and senior citizen (age sixty-five or older), $20; sustaining, $35; patron, $50; business, $100.

Manuscripts submitted for publication should be double-spaced with endnotes. Authors are encouraged to include a PC diskette with the submission. For additional information on requirements, contact the managing editor. Articles and book reviews represent the views of the authors and are not necessarily those of the Utah State Historical Society.

Periodicals postage is paid at Salt Lake City, Utah.

POSTMASTER: Send address change to *Utah Historical Quarterly*, 300 Rio Grande, Salt Lake City, Utah 84101.

UTAH HISTORICAL QUARTERLY

FALL 2003 • VOLUME 71 • NUMBER 4

290 **IN THIS ISSUE**

292 **Interdependence and Change: Mutual Irrigation Companies in Utah's Wasatch Oasis in an Age of Modernization, 1870–1930**
By Thomas G. Alexander

315 **The Women's Cooperative Movement in Utah, 1869–1915**
By Eileen V. Wallis

332 **Kanosh and Ute Identity in Territorial Utah**
By Hyrum S. Lewis

348 *Mark Twain v. John Caine, et al*: **A Utah Territorial Case of Copyright Enforcement**
By Steven L. Staker

362 **In Memoriam: Dean L. May, 1938–2003**
By Robert A. Goldberg

365 **BOOK REVIEWS**

Bernard DeVoto. *The Western Paradox: A Conservation Reader*
Reviewed by Peter H. Delafosse

R. Warren Metcalf. *Termination's Legacy: The Discarded Indians of Utah*
Reviewed by H. Bert Jenson

Gary James Bergera. *Conflict in the Quorum: Orson Pratt, Brigham Young, Joseph Smith*
Reviewed by Breck England

Roger Robin Ekins, ed. *Defending Zion: George Q. Cannon and the California Mormon Newspaper Wars of 1856–57*
Reviewed by Edward Leo Lyman

D. Michael Quinn. *Elder Statesman: A Biography of J. Reuben Clark*
Reviewed by Brian Q. Cannon

Stephen C. Sturgeon. *The Politics of Western Water: The Congressional Career of Wayne Aspinall*
Reviewed by Michael E. Christensen

376 **BOOK NOTICES**

380 **2003 INDEX**

© COPYRIGHT 2003 UTAH STATE HISTORICAL SOCIETY

IN THIS ISSUE

UTAH STATE HISTORICAL SOCIETY

As residents of one of the driest states in the country, each generation of Utahns, from prehistoric and pioneer times to the present, has understood that the careful and judicious use of water is key to any measure of prosperity and survival. Our first article examines the changes that occurred with Wasatch area mutual irrigation companies as they passed from the pioneer era of water appropriation and regulation to a modern era with its expanded and more varied demands for the scarce and irreplaceable resource. The article is a classic study of the challenges and difficulties encountered by the emergence of new conditions and circumstances and the solutions they demand.

Effective utilization of Utah's resources depended on effective cooperation and the propensity for cooperation extended into many aspects of social and economic life in the state. The cooperative movement and accompanying united order movement in nineteenth century Utah are topics familiar to most students of Utah history. Less known or understood is a cooperative movement during the 1870s and 1890s undertaken by women of The Church of Jesus Christ of Latter-day Saints through their Women's Relief Society organization. This story of expanded opportunities for late nineteenth and early twentieth century women and the economic failure of the cooperative stores they founded is the subject for our second article.

UTAH STATE HISTORICAL SOCIETY

Continuing the theme of adaptation is the story of the Ute Chief Kanosh. One of the most respected nineteenth century Indian leaders, Kanosh accommodated to the Mormon arrival in Utah by accepting the new settlers and their religion. Yet he maintained much of his traditional Native American heritage as well. How did he do this? How did he maintain a position of leadership under criticism from other leaders of his tribe? What lessons can be learned from the life of Kanosh as we continue to face the challenges of an ever-changing world? These are among the questions addressed in our third article.

Americans are often accused of being the most litigious country in the world. Observers and critics claim that the solution to almost any situation in the United States is to take the adversary to court. True or not, litigation has been a part of the Utah story since pioneer days. One of the most interesting nineteenth-century Utah court cases involves the world famous author Mark Twain and the question of intellectual property under the copyright law of 1870. The 1875 case, the subject of our fourth article, played out in a Salt Lake City courtroom and on the stage of the Salt Lake Theater.

Our last article for the year 2003 is a tribute to Dean L. May whose unexpected passing earlier this year is mourned by Utah's history community. Truly a people's historian, his enthusiasm for life and for history touched many. Dean was a Fellow of the Utah State Historical Society and served as Chair of the Board of State History. His legacy of writings, films, students, friendships, and countless other contributions will continue to enrich and inspire.

OPPOSITE: Deer Creek Dam, Wasatch County, looking west to Mount Timpanogos. The dam was constructed in the 1930s to meet the growing water needs of the Wasatch Front.
ABOVE: Commercial farming in Utah requires irrigation. ON THE COVER: Three young women enjoying a small social gathering. Elfie Huntington photographer, Utah State Historical Society.

UTAH STATE HISTORICAL SOCIETY

Interdependence and Change: Mutual Irrigation Companies in Utah's Wasatch Oasis in an Age of Modernization, 1870–1930

By THOMAS G. ALEXANDER

On July 23, 1847, the newly arrived Mormon pioneers began reshaping the landscape of the Wasatch Oasis by plowing land for farms and diverting water to irrigate them.[1] As they spread out and established new settlements between 1847 and 1870 they constructed weirs and diversion dams rather than reservoirs to furnish irrigation water to their farms and gardens. Water users generally cooperated in building the irrigation works, and they ordinarily organized mutual irrigation companies in which each shareholder had one vote. Many of these companies performed admirably constructing and operating

Early stage of constructing Deer Creek Dam near the head of Provo Canyon. Built by the Bureau of Reclamation to provide water to 36,000 acres of commercial farm land in the Utah and Salt Lake Valleys.

Thomas G. Alexander is the Lemuel Hardison Redd, Jr., Professor of Western American History at Brigham Young University and a Utah State Historical Society Fellow. The author thanks Alex Smith and Sharon Carver for help on the research for this manuscript.

[1] In this manuscript, I have called the valleys stretching from the northern reaches of Mount Nebo in Utah County on the south through Cache Valley on the north, the Wasatch Oasis. This is not strictly accurate because the eastern portion of Cache Valley fronts on the Bear River Range. Nevertheless, for convenience, I have used the terms Wasatch Front, Wasatch Oasis, and Great Salt Lake Lake Drainage interchangeably since I would argue that all of central and northern Utah constitutes an economic region with similar characteristics.

irrigation works. Others failed, generally because they could not solve problems they encountered as pioneers in an unfamiliar land. Such problems included inadequate engineering skill, shortage of capital, unskilled labor, faulty environmental knowledge, and uncooperative shareholders.[2]

Until 1852 most companies diverted water from nearby watercourses under rules based on common consent. In 1852, however, the territorial legislature vested in the county courts control over water diversion. The county courts, nineteenth century equivalents of county commissions or county mayors and councils, consisted of a probate judge and three selectmen. Though in theory the county courts had considerable power over the distribution of water, in practice, they tended to exercise little control.

By 1870 Wasatch Front communities had moved well beyond the pioneering period, and the problems these mutual irrigation companies encountered became increasingly more complex. After 1870 an increasingly large number of the mutual companies organized under Utah's general incorporation acts, so that water users functioned both as members and as stockholders. Even after organizing as corporations, however, most continued to operate as mutual companies in which the stockholders were also the water users.

In general, we associate the problems these companies encountered after 1870 with modern rather than pioneer or pre-modern times. In classifying the set of changes and problems we associate with modern life, scholars often group them under the term "modernization."

Unfortunately, the word "modernization" has taken on a number of meanings.[3] To avoid confusion, in this essay I will use the terms "modern-

[2] For the development of irrigation between 1847 and 1880 see Thomas G. Alexander, "Irrigating the Mormon Heartland: The Operation of the Irrigation Companies in Wasatch Oasis Communities, 1847-1880" *Agricultural History* 76 (Spring 2002): 172-87. George Thomas, *The Development of Institutions Under Irrigation: With Special Reference to Early Utah Conditions* (New York: Macmillan, 1902); John Wesley Powell, *Lands of the Arid Region of the United States with a More Detailed Account of the Lands of Utah* 2nd ed. (Washington, D. C.: GPO, 1879); Charles Hillman Brough, *Irrigation in Utah* (Baltimore: Johns Hopkins, 1898); George Thomas, *The Development of Institutions Under Irrigation,* (New York: The Macmillan Company, 1920); Wells A. Hutchins, *Mutual Irrigation Companies in Utah* (Logan: Utah Agricultural Experiment Station, 1927); George L. Strebel, "Irrigation as a Factor in Western History, 1847-1890," (Ph. D. dissertation, University of California, Berkeley, 1965); Thomas G. Alexander, "John Wesley Powell, the Irrigation Survey, and the Inauguration of the Second Phase of Irrigation Development in Utah," *Utah Historical Quarterly* 37 (Spring 1969): 190-206; Leonard J. Arrington and Dean May, "'A Different Mode of Life:' Irrigation and Society in Nineteenth-Century Utah," *Agricultural History* 49 (January 1975): 3-20; George D. Clyde, "History of Irrigation in Utah," *Utah Historical Quarterly* 27 (January 1959): 27-36; Robert C. Dunbar, *Forging New Rights in Western Waters* (Lincoln: University of Nebraska Press, 1983); William Ellsworth Smythe, *The Conquest of Arid America* (New York: Macmillan, 1900); and Donald J. Pisani, *To Reclaim a Divided West: Water, Law, and Public Policy, 1848-1902* (Albuquerque: University of New Mexico Press, 1992).

[3] I am using the terms "modern" and "modernization" here in a slightly different sense than the sociological term "modernization." For the literature on this subject see: Richard D. Brown, *Modernization: The Transformation of American Life, 1600-1865* (New York: Hill and Wang, 1976); Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1967). On conditions in Utah see Leonard J. Arrington and Thomas G. Alexander, *A Dependent Commonwealth: Utah's Economy from Statehood to the Great Depression* ed. Dean L. May, Charles Redd Monographs in Western History, No. 4 (Provo: Brigham Young University Press, 1974).

ization" and "modern" to mean the set of problems, conditions, and changes historians associate with life in the United States during the Gilded Age (1870s to 1890s), the Progressive Era (1890s to 1920), and the 1920s. During these years the United States emerged into a complex urban, industrial, and commercial agricultural society. Features we associate with modern America include complex economic development, the maturing of commercial agriculture, extensive industrialization, the development and growth of mechanized transportation systems, urbanization, improvements in communication, and the growth of industrial and governmental bureaucracies.[4]

In considering modernization, we would not only contrast these conditions with the pre-modern period, we would also contrast them with the changes in American society some scholars have characterized as post-modern. These date generally since 1970 and include a revolution in information and communication technology, and the shift in emphasis from heavy manufacturing to professional services.

As we consider modernization in the United States and in Utah, it is important to recognize the difference between the definition used here and definitions used by some classical theorists. By "modernization" I mean only partly the definition that derives from the works of classical socio-economic theorists such as Karl Marx, Max Weber, and Daniel Bell. As a case in point, in the United States and especially along the Wasatch Front modernization clearly did not include secularization. If anything, Americans in general became more religious, and in the Wasatch Front, most businessmen and farmers were active priesthood holders in The Church of Jesus Christ of Latter-day Saints. Moreover, although the expansion of commerce characterized the period under consideration here, I do not use the term as Richard Brown did to mean the origins of commercial development.[5]

In general, those who understand life in Utah from the 1870s to the 1970s will recognize the sorts of changes wrought by modernization in transportation, manufacturing, agriculture, communication, and services. The railroad entered Utah in 1869 and companies built an extensive railway net after that date. Entrepreneurs built street railways in several major cities in the state, and an interurban railway system connected the cities together. Automobile and air transportation expanded in the region, especially during the 1920s. Companies built ore concentrators and

[4] Ronald Inglehart, *Modernization and Postmodernization: Cultural, Economic, and Political Change in 43 Societies* (Princeton: Princeton University Press, 1997), 5.

[5] See: Karl Marx, *Das Kapital: A Critique of Political Economy* ed. Frederick Engels; condensed by Serge L. Levinsky (Washington, D.C.: Regnery Gateway, 1996); Max Weber, *From Max Weber: Essays in Sociology* ed. H.H. Gerth and C. Wright Mills (New York: Oxford, 1968); *idem*., *The Protestant Ethic and the Spirit of Capitalism* ed. Talcott Parsons, intro by Anthony Giddens (London: HarperCollins, 1991); Daniel Bell, *The Cultural Contradictions of Capitalism* (New York: Basic Books, 1967); *idem*., *The Coming of Post-industrial Society: A Venture in Social Forecasting* (New York: Baxic Books, 1973) See also Brown, *Modernization*.

UTAH STATE HISTORICAL SOCIETY

Mountain Dell Dam under construction. The dam was constructed to meet the growing water thirst of Salt Lake City.

smelters, sugar beet processing plants, and vegetable canning enterprises to process the products of Utah's mines and farms. Farmers depended increasingly upon markets rather than producing food for themselves. The telegraph reached Utah in 1861, the telephone network expanded from the 1880s, and radio became increasingly significant in the early twentieth century. People in the region afforded themselves more frequently services offered by firms such as banks, insurance companies, architects, and engineers.

More sophisticated irrigation systems accompanied these changes. In 1871 settlers at Newton in Cache Valley began constructing Utah's first storage reservoir. After the passage of the federal Carey Act (1894) some companies constructed dam projects under the act, and after Congress enacted the Newlands Act (1902) the federal government began advancing money and expertise for the construction of reservoir projects in the Arid West. The earliest Newlands Act projects in Utah included the Strawberry Valley Project begun in 1905 and the Echo Dam Project started in 1927. In addition, some cities began to erect dams to furnish water supplies, such as Salt Lake City's Mountain Dell Reservoir constructed in 1916-17, without federal assistance.[6]

Population concentration in cities also characterized such changes in

[6] Leonard J. Arrington and Thomas C. Anderson, "The 'First' Irrigation Reservoir in the United States: The Newton, Utah, Project," *Utah Historical Quarterly* 39 (Summer 1971): 207-23; Stephen A. Merrill, "Reclamation and the Economic Development of Northern Utah: The Weber River Project," and Thomas G. Alexander, "An Investment in Progress: Utah's First Federal Reclamation Project, the Strawberry Valley Project," *Utah Historical Quarterly* 39 (Summer 1971): 254-64 and 286-304. On the Mountain Dell project see Donald C. Jackson, *Building the Ultimate Dam: John S. Eastwood and the Control of Water in the West* (Lawrence: University Press of Kansas, 1995), 146-54.

Utah. Statistically, the Beehive State urbanized at approximately the same rate as the United States. The Wasatch Front urbanized faster than any other region in the state. Moreover, as Utah's cities modernized they accelerated the installation of improvements such as paved streets, public transportation, parks, and water and sewage systems. City governments and private companies introduced amenities incident to modernization such as electricity, telephones, radios, typewriters, and garbage collection.

Most importantly, modernization in Utah included considerable social and cultural change. In this writer's opinion, historians have tended to overemphasize the degree of isolation experienced by Utahns even before the completion of the transcontinental railroad in 1869. Still, modernization clearly included the general decay of whatever isolation remained.[7] Changes in Utah, and especially in the Wasatch Front, characteristic of modernization clearly included accommodation to the business, social, environmental, and political practices of mainstream America.[8] In the late nineteenth and early twentieth centuries Utahns in general, and the stockholders in mutual irrigation companies in particular, gradually gave up their religious and social exclusivity as they promoted business, political, and social relations with Protestants, Catholics, Jews, and those of no particular faith.

Within this condition of modernization, Utah's mutual irrigation companies flourished, and as the irrigation companies constructed systems to deliver water to users, the Utah Legislature changed the laws under which they operated. In 1865 the legislature authorized the organization of irrigation districts. Passed twenty-two years before California's more famous Wright Act, the Utah law permitted irrigation districts to tax users who benefited from the water delivered by the system rather than only landowners in the district as the Wright Act did. Utah's legislature repealed the law in 1897, although in repealing the law, it allowed the existing districts to remain intact. In 1909 the legislature passed a new irrigation district act. Later legislatures amended the act in part to facilitate the construction of irrigation works by the United States Bureau of Reclamation (BOR).[9]

The legislature changed the law governing the appropriation and management of bodies of water in 1880 to vest exclusive authority in the county selectmen, whom the law designated as the county water commis-

[7] Readers should understand that historians tend to dispute the question of isolation in Utah during the nineteenth century. My own view is that most have tended to overemphasize the level of isolation by dating the decline of isolation with the coming of the railroad in 1869. Well before then the Wasatch Front especially lay on the principal overland wagon and stagecoach routes and as a result numerous people passed through and visited the territory.

[8] On this point see Thomas G. Alexander, "Stewardship and Enterprise: The LDS Church and Wasatch Oasis Environment, 1847-1930," *Western Historical Quarterly* 25 (Autumn, 1994): 340-64.

[9] Thomas, *Development of Institutions*, 117-37. On the Wright Act see Pisani, *To Reclaim a Divided West*, 103-04. In this article I will use the term Bureau of Reclamation (BOR) even though the organization was first named the United States Reclamation Service (USRS).

sioners.[10] The law authorized the county selectmen to gauge streams and allocate water to various users. It also required them to conduct administrative hearings on water claims, although parties to the disputes could appeal the water commissioners' rulings to the district courts. The law also recognized primary appropriation rights to the extent of that portion of stream flow reasonably necessary to accomplish the purpose of the appropriation. Users secured such rights by seven years of beneficial use (a provision later reduced to five years). The law also acknowledged secondary rights, which were often called surplus or high water rights. These usually consisted of the right to use that portion of the stream flow in excess of the primary rights. Such flows generally ran in streams during the spring, during floods, or during years with abnormally high precipitation. Most important, the statute converted the ownership of water from a right attached to the land to a type of personal property that owners might sell or buy as they wished. Moreover, it also specifically authorized irrigation or canal companies to incorporate and to levy assessments on owners' shares for operating expenses, maintenance, and improvements.

Between 1880 and 1896 county selectmen, and between 1896 and 1903, the county commissions continued to grant water rights, while state district court rulings determined the extent of such rights. In 1903 the Utah legislature vested the regulation of water rights in the Office of State Engineer, which it had established in 1897, and in the district courts. A modification of this law in 1919 gave the State Engineer the authority to conduct investigations and to grant water rights, although the law retained the right of appeal to the courts.[11]

Within the growing body of statute law and its accompanying case law, Utah's mutual irrigation companies passed through the pioneering phase (1847-1880) and a phase of modernization (1870-1930). We can see the passage through a transitional period between these two phases in the story during the 1870s of what became one of the most successful mutual companies, the Provo Bench Canal and Irrigation Company.[12]

Shortly after incorporating in 1871, shareholders in the irrigation company heaped considerable criticism on superintendent (a position some companies called water master) D. H. Kinsey for his failure to deepen and enlarge the company's canal and to maintain the works that the company had constructed. Kinsey defended himself by arguing that conditions beyond his control had thwarted his efforts.

The company diverted water from the Provo River to supply farmers in a section of Utah County west of Provo that residents would incorporate in 1919 as the city of Orem. The Provo River flows from the western slope

[10] See Thomas, *The Development of Institutions*, 138-45.

[11] Ibid., 193-202, 274-85.

[12] Minutes, Provo Bench Canal and Irrigation Company, August 21, 1871, Provo Bench Canal and Irrigation Company Records, 1863-1976 (hereinafter cited as Provo Canal), Utah State Historical Society (hereinafter cited as USHS).

of the Uinta Mountains through a number of high valleys on the eastern side of the Wasatch Mountains and through Provo Canyon into Utah Valley where the river empties into Utah Lake. Kinsey said that although he had contracted with Alexander F. McDonald to construct the new works, "nearly one half [of the company members] refused or neglected to pay" their taxes, and he could not pay McDonald for the partial work he had done. Because the company had also organized as an irrigation district under the 1865 law, it had the authority to tax the water users.

When Kinsey tried to enforce the tax law by selling the land of the delinquents, which he could do until an 1882 law made such taxes a lien against their water right or interest in the canal rather than against their real property, he failed. He found no buyers, in part, because the settlers had no clear titles to their land. The federal government had opened its Salt Lake City land office in 1868, and the General Land Office had not yet granted titles to most of the Utah farmers.[13] Kinsey, while dealing unsuccessfully with delinquent taxpayers and in order to keep the project going, advanced more than six thousand dollars of his own in money and supplies.[14]

The company faced similar problems in maintaining the existing works. In addition to refusing to pay their taxes, many of the water users also declined to contribute time to improve or maintain the canals. In what seems in retrospect a ridiculous effort to solve the problem of delinquent taxpayers and unwilling workers, the irrigation district trustees voted to levy additional taxes that Kinsey, of course, could not collect. In the absence of either money to pay for labor, supplies, or equipment, or the donated labor of the water users, the ditches had silted up, and the company could not furnish sufficient water to its shareholders. Although the water-starved farmers shared the blame for Kinsey's failure to deliver the precious liquid, they nevertheless criticized him as their crops wilted. With his hands tied and the company in dire straits, Kinsey refused to accept reappointment as company superintendent.[15]

Overcoming these setbacks, by early 1872 the company managed to improve the canal and deliver adequate water. The company's remaining problems–such routine matters as repairing head gates and graveling roads–seemed minuscule by comparison.[16] By 1876 the company had apparently developed practices to solve even these problems, and board meetings became sleep-inducing routines of reports and discussions.[17]

[13] See Thomas G. Alexander, *A Clash of Interests: Interior Department and Mountain West, 1863-1896* (Provo: Brigham Young University, 1977), 26-27.

[14] D. H. Kinsey to Board of Trustees, Provo Bench Company, August 11, 1871, Provo Canal Collection, USHS. A law of 1882 changed the irrigation district act to make company taxes a claim against the water right and the interest of the taxpayer in the canal rather than against the real property. See Hutchins, *Mutual Irrigation Companies in Utah,* 20.

[15] Kinsey to Board of Trustees, Provo Bench Company, August 11, 1871, Provo Canal Collection, USHS.

[16] Board Minutes, Provo Bench Company, April 19, 1872, Provo Canal Collection, USHS.

[17] Ibid, April 15, 1876.

UTAH STATE HISTORICAL SOCIETY

Mountain Dell Dam construction funded by a 1914 bond issue and designed by John Eastwood.

Later in the nineteenth century and in the early twentieth century, the company addressed modern rather than pioneering problems. Like many Gilded Age entrepreneurs in Utah in 1889, the Provo Bench Irrigation Company officers acquired other companies. In 1889 the company's officers negotiated the purchase and incorporation into its system of the Lake Bottom Irrigation Company, a company that supplied water to farmers west of the Provo Bench near Utah Lake.[18]

As early as 1893 the company contemplated the possibility of entering into a suit with Provo City and with other companies to establish the portion of the Provo River owned by each of the users.[19] Delayed somewhat, proceedings in the suit, which determined the ownership of virtually all water flowing in the Provo River, began in 1914 in Utah's Fourth Judicial District Court in Provo. Judge C. W. Morse, who presided in the case, issued the decree in the extremely complex suit on May 2, 1921. Morse's decree awarded the Provo Bench Canal and Irrigation Company Class A rights to Provo River water sufficient to irrigate nearly 4,333 acres of land.[20]

Disputes over the ownership of water erupted between other companies as well. Irrigation companies in southern Salt Lake County and northern Utah County entangled themselves in a number of controversies over Dry Creek which flows from the southern slope of the Traverse Mountains in a southwesterly direction toward Utah Lake. At a meeting of the Board of

[18] Trustee Minutes, Provo Bench Canal and Irrigation Company, May 31, June 25, 1889, Provo Canal Collection, USHS.

[19] Ibid., October 11, 1893.

[20] *Provo Reservoir Company v. Provo City, et. al.* Civil Suit No. 2888 (May 2, 1921), Copy in the State of Utah Water Rights Records, on line at http://nrwrt1.nr.state.ut.us/adjdinfo/decrinfo/provo.htm. Accessed May 1, 2003.

GEORGE EDWARD ANDERSON PHOTOGRAPHER, UTAH STATE HISTORICAL SOCIETY

Constructing Strawberry Highland Canal near Salem, Utah County, 1915.

Directors of the Draper Irrigation Company in July 1888, a report by Peter Garff declared that the Dry Creek Reservoir and Irrigation Company and the Flat Irrigation Company, which competed with each other and with the Draper Company for the water of Dry Creek, had been taking more than their share. At the time, the Dry Creek company claimed one-third of the water, the Flat company one-third, and the Draper company one-half the water. This, of course, added to more than the total flow of the creek, but negotiations in 1892 clarified this discrepancy. In the meantime, however, in order to maintain their rights, the directors of the Draper Company decided to hire a guard to make certain that parties representing the other companies did not alter division gates erected on the stream.[21]

Stationing the guard did not solve the distribution problem since by 1892 the Dry Creek company claimed one-half of Dry Creek for the entire irrigating season while the Draper company claimed two-thirds of the stream after July 20. Both sides hired attorneys, but instead of going to court as the Provo Bench company did, the Draper company offered to settle the matter by selling one-sixth of the flow to the Dry Creek company for $375.00. This left the Draper Company with one-half of the stream's flow after July 20.[22]

In spite of such disagreements, the two companies cooperated in utilizing the stream. For instance, the Draper and Dry Creek companies shared the cost of maintaining a reservoir they had jointly constructed by enlarging and damming a small lake at the head of a fork of Dry Creek. In 1894 each company appropriated $50.00 to deepen the reservoir and increase the height of the dam. After they had completed the work, the companies filed appropriation claims on the additional water their efforts had secured.[23]

The Draper irrigation company also worked out amicable arrangements

[21] Directors Minutes, July 7, 1888, Draper Irrigation Company and the Dry Creek Reservoir and Irrigation Company, Bell Canyon Minute Books, 1891-1947 (hereinafter cited as Bell Minutes), USHS.

[22] Ibid., February 20, 1893.

[23] Ibid., August 20, August 24, September 14, 1894.

with the Flat Company on some matters. In August 1891, during a severe drought, M. Mikkelson and James Parker of the Flat Irrigation Company secured permission to use the Draper company's more convenient canals to convey water to keep their shareholders' corn and trees alive.[24]

Companies also faced internal problems in the division of water between their stockholders. In May 1889 one officer of the Draper Company, B. F. Terry, charged that someone had changed the head gates so that two-thirds of the flow from Dry Creek poured into the company's Middle Ditch. An equitable distribution would have allowed only sixteen inches through the five-foot wide head gate.[25]

At times the companies had to change the point at which they diverted water from the system onto the shareholders' lands. Sometimes this required the company to switch water from one of its canals to another. In some cases, such changes led to discussions of the volume of water that should flow in a particular canal, often because members who had used a specific flow in the canal noticed that the volume had either diminished or increased. With a diminished flow, users sometimes found it difficult to irrigate the acreage they previously had watered. In 1889 a dispute occurred in the Draper Company because two of the users, Joshua Terry and L. H. Smith, had changed their water diversions from one ditch to another and J. M. Stewart had sold part of his water right to Walter J. Green. The latter sale required the company to change the water turns of ten users along the ditch to accommodate the new user.[26]

Such problems as those connected with the distribution of water proved extremely serious for large companies with complex systems. In 1877 stockholders in the Union and Jordan Ditch Company agreed to install gates they called "divide gates" that automatically allocated portions of the stream to the various units in the system.[27] The company operated a complex system consisting of four main ditches and two additional forks with five ditches on each. The irrigation system diverted water from Little Cottonwood Creek, which flowed down Little Cottonwood Canyon to the Jordan River Plain, to irrigate farms in parts of Salt Lake County now included in the districts and cities of Union, Midvale, Murray, West Jordan, and Sandy. Managing this system required a water master (later renamed a superintendent) plus assistant water masters on each of the main ditches and each of the forks.[28]

[24] Ibid., August 10, 1891.

[25] Ibid., May 7, 1889.

[26] Ibid.

[27] Record of the Union and Jordan Irrigation Ditch, James Winchester, Head Water Master, 1877, Stockholders Meeting, Union and Jordan Irrigation Ditch Company, 1877, pp. 13-14, Union and Jordan Irrigation Ditch Company Records (hereinafter Union and Jordan Company Records), Archives Department, Merrill Library, Utah State University, Logan, UT (hereinafter Archives, USU). Note: Although the book is labeled "1877" it actually contains minutes of the stockholder's meetings from 1877 through 1895.

[28] Rules and Regulations of the Union and Jordan Irrigating Ditch, 1877, Union and Jordan Company Records, Archives, USU.

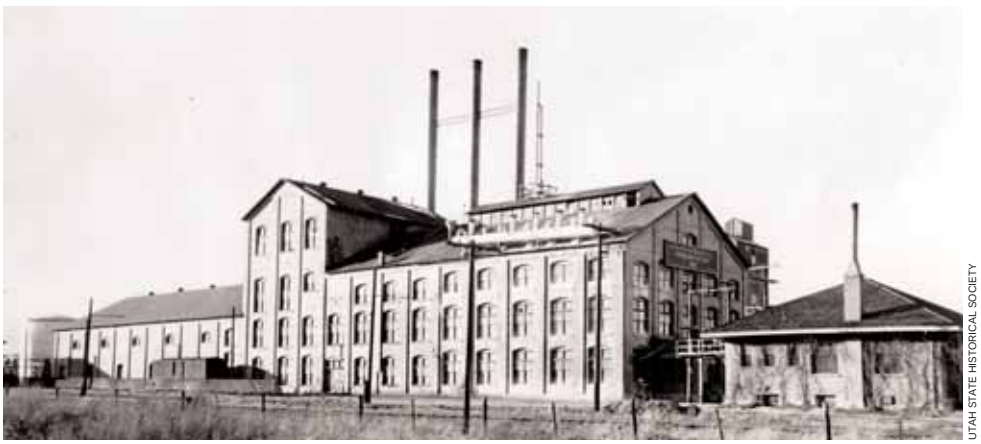
At times, in spite of the legal water rights that each appropriator owned under the 1880 law, some companies treated their systems as though the company, itself, owned the water and could allocate it according to the will of the stockholders. The Draper Company had, in effect, done this when it relinquished the right to part of its water to the Dry Creek Company in order to avoid the expense of a suit.

The records of the Union and Jordan Ditch company stockholders meetings indicate frequent discussions of individual water rights, which led in a number of cases to the formal and explicit reallocation of water among users.[29] In 1893 the Union and Jordan stockholders undertook an extraordinary reallocation of water rights that completely ignored, apparently with impunity, the right of prior appropriation that Utah's 1880 law most probably guaranteed to individual shareholders. In justifying such action, in a later dispute over water rights, William B. Bennett, a stockholder, pointed out that section thirteen of the company's bylaws said that whatever was done by a vote of the majority in a regular meeting was binding on the whole. What Bennett did not say was that the company had included the word "lawful" in section thirteen, and it seems exceedingly doubtful that a vote of the majority could negate an individual right granted by Utah's 1880 prior appropriation law either by divesting a member of a water right or by taking a right from one shareholder and giving it to another.[30] Nevertheless, and quite significantly, the stockholders functioned as though they had the prerogative to change the allocation of such rights within the company.

The details of this case are extremely significant. In a meeting on May 5, 1893, the company stockholders began discussing the needs of various users while considering a problem that had arisen because a portion of the system received too little water and another portion, too much. James Higgins told the stockholders that he had bought land from James Winchester, who, in 1893, served as company president and had previously served as water master. Higgins said that when he purchased the land he had neglected to purchase a water right. He said, however, that he had worked on the ditch for thirty years, presumably helping to build and repair irrigation works and to clean weed-choked ditches and laterals. Moreover, he had paid all the assessments levied by the company during that time.[31]

During the consideration of water distribution, Winchester said that when the company had first established the system it had furnished him enough water for a farm of 125 acres. After the company had installed divide gates to allocate the water according to the established water rights, however, the system did not furnish enough water to mature his crops. He asked that the

[29] Stockholder's Meeting March 18, 22, 29, 1895, Union and Jordan Company Records, Archives, USU.
[30] Stockholders Meeting March 18, 1895, p. 25, Union and Jordan Company Records, Archives, USU.
[31] Ibid., May 5, 1893, pp. 18-19.



UTAH STATE HISTORICAL SOCIETY

West Jordan Utah-Idaho Sugar Factory built to process sugar beets. Improved water distribution systems and changes in water law permitted commercial agriculture to flourish in the early twentieth century.

company allow him enough water for an additional forty-five acres in addition to the eighty acres already sufficiently irrigated. After Winchester had spoken, Albert Glover said that he wanted the company to furnish enough additional water to irrigate four more acres.

In resolving the water allocation problems, the stockholders agreed to several compromises. By vote of the stockholders, the company refused to approve Glover's request. Nevertheless, Levi Naylor agreed to transfer enough water to irrigate two acres from the claim of his father, William Naylor, to the ditch serving Glover's fields because his father's land had become "too wet" and did not need as much water as it received. This solved at least part of Albert Glover's problem. Then on a motion of John Oborn, and after a heated discussion of the estimates of the system of water division, the stockholders agreed, in a very controversial vote, to furnish Higgins with water for an additional fifteen acres and to give Winchester water for an additional forty-five acres.[32]

In the past, the Union and Jordan Company had reallocated the water supply on a number of occasions, in each case recording the number of shares held by each stockholder. Each share furnished enough water to irrigate a quarter acre. The company had made one such reallocation in 1884. The company had made an interim measurement, and in 1895, the question of altering the divide gates again arose in the stockholder's meeting. This discussion followed from a meeting of February 24, 1894, in which the stockholders voted to refuse to accept a water allocation proposed by a committee established for the purpose because the majority considered it contrary to the legal division of water within the system.[33]

[32] Ibid., p. 19.
[33] Ibid., February 24, 1894, p. 20, March 29, 1895, pp. 28-29.

Albert Glover pointed out that under the law the Salt Lake County selectmen, as water commissioners, could have settled such disputes, but they had declined to do so. After listening to the discussion, William Bennett urged the members to arrive at an agreement over the allocation of water. If they did not, he predicted they would have "a costly affair on our hands," presumably because the matter would end up in court. Moreover, he predicted, erroneously as it proved, that under the new state constitution the water commissioners would have the power to take "our" water and divide it as they wished. This explanation did not satisfy all of those present, and Daniel Jones pointed out that the stockholders had unlawfully granted water rights at a previous meeting. Presumably, he meant the meeting of May 5, 1893, which gave additional water to Higgins and Winchester. He also said that such reallocations had caused difficulty down to the present time.[34]

At first, Glover argued that those stockholders with older water rights, presumably under the 1880 law, ought to withdraw from the company and incorporate a new one. Nevertheless, probably in the interest of community unity, even though his motion had some support, he withdrew it. Glover then moved that the company set the gates to correspond with the current acreage allotment, which would include such changes as those made in the claims of Winchester and Higgins. The motion carried by a vote of 23 to 10. Following that vote, C. Sharp tried to get the company to reset the divide gates to the 1884 measurement. That motion failed to gain a majority.

Perhaps in part because of the questionable legality of such measures as reallocating water rights, and most probably because of changing conditions caused by modernization, the company incorporated on June 20, 1895. Barlow Ferguson, a Salt Lake City attorney, served as notary public at the meeting. As part of the 1895 incorporation, each of the Union and Jordan Ditch Company stockholders signed a deed of trust conveying his rights and title to water in Little Cottonwood Creek to the newly organized company called the Union and Jordan Irrigation Company in return for which they received stock in the company equal to the shares of water the company's books said they owned. They also signed articles of incorporation and elected a board of directors. After they adjourned, John Oborn and Henry Monteer, a justice of the peace, contacted thirty of the members who had not attended the meeting and secured their signatures on the articles of incorporation.[35]

In addition to allowing the company to settle such problems as extra-legal water reallocations, incorporation helped the members address changes caused by the modernization of Utah's economy. Some of the new conditions resulted from the expansion of manufacturing, others resulted

[34] Ibid., March 29, 1895, pp. 28-29.

[35] The Union & Jordan Irrigation Company, 1895, Stock-holders Record, (hereinafter: Stockholders, 1895-1916) pp. 1-2, Union and Jordan Company Records, USU.

from the installation of city utilities, and many resulted from the increasing complexity of water distribution.

Market agriculture spread through the Wasatch Front, especially with the growth of cities and the demand for vegetables and fruits to feed the urban population. Most important were organization and growth of the Utah-Idaho and Amalgamated Sugar Companies. They constructed and operated factories in Utah, Salt Lake, Weber, Box Elder, and Cache Counties, and they contracted with farmers to supply sugar beets for the factories. To take advantage of the market for sugar beets, a private company headed by J. R. Bothwell built an irrigation system to divert water from the Bear River to water farms in Box Elder County. The Bothwell company failed, and it sold its system to the Utah-Idaho Sugar Company. With that failure, most Wasatch Front irrigation companies remained mutual companies.[36] A number of farmers in central Salt Lake County began growing sugar beets during the 1890s, and indeed, the high school at West Jordan, a district partly served by the Union and Jordan company, adopted the name "Beet diggers" as their mascot.

During the 1870s and 1880s a number of mining and smelting corporations had built smelters in Murray, Midvale, and Sandy. The smelters required extraordinary volumes of water to facilitate the recovery and refining of various metals. By 1895 the Union and Jordan Company had contracted with the Mingo Smelter to furnish one-tenth of the flow of Little Cottonwood Creek at its lowest stage.[37]

A year later the company's superintendent (water master) agreed to rent additional water to the Mingo Smelter during a period of reduced water flow. This action may have interfered with the water rights of some of the members, and some objected. Superintendent Carl O. A. Liljablad, however, explained that he had agreed to rent the water to the company in order to prevent the smelter from shutting down and forcing workers from their jobs. Some shareholders groused over Liljablad's action, but they accepted it.[38]

Not satisfied with renting water, at least one of the largest smelters purchased water rights of its own. By 1916 the United States Mining Company, with 420 shares, had become the single largest stockholder in the Union and Jordan Irrigation Company. Edgar M. Ledyard, a company officer, represented the company and voted its shares at Union and Jordan stockholders meetings. At that time, each share entitled an owner to sufficient water to irrigate a quarter acre of land. By contrast with the large number of shares owned by the smelter, Albert Glover, with 223 shares,

[36] On the development of beet sugar in Utah, the Bothwell Company, and its subsequent sale to the Utah-Idaho Sugar Company see Leonard J. Arrington, *Beet Sugar in the West: A History of the Utah-Idaho Sugar Company, 1891-1966* (Seattle: University of Washington Press, 1966). On the Amalgamated Sugar Company see J. R. Backman, *Story of the Amalgamated Sugar Company, 1897-1961* (Caldwell, ID: Caxton Printers, 1962).

[37] Stockholders, 1895-1916, p. 5, Union and Jordan Company Records, USU.

[38] Minutes, February 24, 1896, p. 11, Union and Jordan Company Records, USU.

owned the largest number of shares of any farmer. Operating small farms characteristic of irrigated farms along the Wasatch Front, most farmers owned fewer than one hundred shares.[39]

Urbanization impacted the company as well. As early as February 1903, the Union and Jordan Irrigation Company had entered into what eventually became a series of complex exchange agreements with other companies and with Salt Lake and Sandy cities.[40]

A decree of 1901 and subsequent supplemental decrees by Judge C. W. Morse, then sitting in the Third Judicial District in Salt Lake County, had apportioned the water of the Jordan River that empties from Utah Lake in Utah County and flows in a northerly direction through Salt Lake County into Great Salt Lake.[41] The decree awarded to Salt Lake City and to four canal companies the bulk of Utah Lake water flowing in the Jordan River.

Most important, the decree left the city and the canal companies free to exchange water with or to sell water to other companies or individuals. The East Jordan Irrigation Company, for instance, sold water and shares in its canal to companies like the Union and Jordan. Salt Lake City negotiated exchange agreements with the Union and Jordan and other companies to secure culinary quality water from Little Cottonwood and other Wasatch Front canyons in return for lower quality water suitable for irrigation that flowed from Utah Lake through the Jordan River. In October 1905 the Union and Jordan company approved an exchange of Little Cottonwood Creek water for Salt Lake City's canal water. As an inducement, Salt Lake City offered the company 25 percent more water than the company transferred to the city plus a bonus of $1,500 in cash.[42]

As urban areas modernized during the Progressive Era, a number of smaller cities followed the lead of their larger neighbors installing culinary water and sewage systems. In 1912 and 1914 the Union and Jordan company agreed to exchange Little Cottonwood water with Sandy and to accept canal water in return so the city could install a culinary water system. Following Salt Lake City's example, Sandy offered the company 25 percent more water than the city received in the exchange.[43]

By 1916 in addition to selling water to Sandy, the Union and Jordan Irrigation Company had itself entered the culinary water business. The company worked out arrangements with the cities of Sandy, Murray, and

[39] Stockholders minutes June 26, 1916, pp. 3-6, Directors Meeting Minutes, June 30, 1916 to [blank], (Hereinafter Minutes, 1916-28), Union and Jordan Company Records, USU.

[40] Meeting of February 23, 1903, the exchange of water from Little Cottonwood Creek with the Despain Ditch for water in the East Jordan Canal. Stockholders, 1895-1916, p. 42, Union and Jordan Ditch Company Records, USU.

[41] *Salt Lake City, et. al. v. Salt Lake Water & Electrical Power Co., et. al.* Civil Suits No. 2861, 3449, and 3459, Decree of July 15, 1901, copy in http://nrwrt1.nr.state.ut.us/cgi-bin/docview.exe?Folder=DECREE000001. Accessed May 1, 2003.

[42] Stockholders minutes September 28, October 12, October 19, 1905, pp. 47-49, Union and Jordan Company Records, USU.

[43] Ibid., February 26, 1912, March 6, 1914, pp. 65, 77.

Midvale and the district of Union to cooperate in or secure franchises for installing such systems.[44] Between July and October 1917 the company's directors agreed upon the fees it would charge users for extending the company's culinary water system to their property and upon yearly rates for customers. It later installed water meters in customers' yards.

As companies such as the Union and Jordan diversified their operations, their affairs became increasingly complex. Purchase agreements transferred stock in the East Jordan Irrigation Company to the Union and Jordan company, which the Union and Jordan's president voted at the East Jordan company's annual meeting.[45] In 1915 the Union and Jordan company sold additional Little Cottonwood water to Sandy, and it purchased canal water from Salt Lake City. In order to settle accounts in the time between expenditures and receipts, the company officers borrowed money from local banks.[46]

Complexity led the Union and Jordan company into agreements that increased its entanglements with other companies. Other appropriators such as the Little Cottonwood Irrigation Company and Sandy City had asserted claims to portions of the flow of Little Cottonwood Creek. Such adverse claims led the company to hire attorneys to resolve the disputes.[47] After years of struggling to remain independent, and after collaborating, however reluctantly, with the Little Cottonwood Irrigation Company in the construction of a reservoir and canal, in 1918 Union and Jordan agreed to merge with the Little Cottonwood company by purchasing some of its shares.[48]

Thus, by the 1920s, in effect, the Union and Jordan Irrigation Company, in addition to functioning as an irrigation and culinary water supply company, had become a holding company. It owned and voted shares in such firms as the East Jordan Irrigation Company and the Little Cottonwood Irrigation Company.

As a consequence of this increasing complexity, the substance of the company's operations changed as well. During the late nineteenth and early twentieth centuries, Union and Jordan's most important meetings had been the company's stockholders meetings. Members met together and contended with each other over such matters as the regulation of divide gates, the volume of water this or that shareholder should receive, the amount the company should pay or credit for labor on the company's ditches, and levies charged against each stockholder's shares. At the same time,

[44] Stockholders minutes, February 28, 1916, pp. 97-99, 105; June 26, 1916, February 6, 17, March 16, 28, May 22, 1917, pp. 1-15, 22-25; Board minutes May 24, 1916, July 16, June 30, September 26, 27, October 13, 1916, February 17, 1917. Stockholder Meeting Minutes, June 26, 1916 to 1928, Directors Meeting Minutes, June 30, 1916 to [blank]," (hereinafter Minutes, 1916-28), Union and Jordan Company Records, USU.

[45] Stockholders Meeting April 3, 1914, p. 80, Union and Jordan Company Records, USU.

[46] Board Meeting minutes May 1, 1915, p. 90, Union and Jordan Company Records, USU.

[47] In 1896, as an emergency measure the company agreed to rent additional water to the smelter. See Board Meeting minutes, p 5, and February 24, 1896, pp. 10-11, Union and Jordan Company Records, USU.

[48] Board Meeting minutes, March 2, 1918, pp. 33, 39-40; Stockholders Meeting minutes, February 25, 1918, Union and Jordan Company Records, USU.

prominent stockholders vied with one another for election to the board of directors, as they contended over the shaping of company policy and management.

By the early 1920s the relationship between the board and the stockholders had changed substantially. With the exception of infrequent complaints over not receiving enough water, stockholders seem to have lost interest in the day-to-day operation of the company, and they increasingly left management to the directors. Clearly, the company's operations had become so complex that most shareholders seem to have lacked the time or expertise to fully understand its affairs. At meetings, instead of debating and suggesting courses of action, members became increasingly content simply to ratify the decisions of the board. Members also regularly reelected the current officers, so the membership of the board of directors tended to remain constant. A group of men who understood the operations of the company tended to monopolize the positions, and for the first time at the biennial meeting of February 27, 1922, the stockholders reelected the sitting board by acclamation.[49]

Just as modernization changed the form and substance of the Union and Jordan Irrigation Company's operations, for some companies modernization presented challenges that led stockholders to make costly choices.[50] The stockholders in at least one of these mutual companies heaped an almost unbearable financial burden upon themselves as they tried to apply pioneering self-help techniques to the construction of a modern, complex, and sophisticated irrigation system. On July 11, 1898, farmers in the towns of Trenton, Amalga, Cornish, and Newton, Utah, and Weston, Idaho, incorporated the West Cache Irrigation Company to supply water from the Bear River and a small tributary, Deep Creek, to nearly fifteen thousand acres in western Cache Valley.

A significant interstate stream, the Bear River rises on the northern slope of Utah's Uinta Mountains. It collects water from tributaries as it flows northward through Utah and western Wyoming before looping into southeastern Idaho north of Bear Lake. In Idaho, the river curves in a westerly direction before bending south to flow into Utah through northern Cache Valley. It exits Cache Valley through a low divide west of Newton. From there it flows in a generally southerly direction along the Great Salt Lake Plain into the lake.

The West Cache company stockholders agreed to finance and engineer the irrigation works like a modern corporation. Hiring two engineers from Ogden, the company floated forty thousand dollars in twenty-year bonds through the Utah Mortgage and Loan Corporation of Logan. Initial estimates predicted that the canal system would cost about fifty thousand

[49] Biennial meeting, February 27, 1922, Union and Jordan Company Ditch Records, USU.

[50] This story is based on A. J. Simmonds, "Water for the Big Range," *Utah Historical Quarterly* 39 (Summer 1971): 224-37.

dollars to construct. Taking a decision they undoubtedly considered rational at the time, when Utah Construction Company of Ogden offered to construct the system for eighty thousand dollars, however West Cache company officers decided that they could save money by building it themselves.[51]

With local labor and less skilled supervision, however, the West Cache company's construction costs and debt mounted. Borrowing another $20,000 in 1900, the irrigation company passed through successive reorganizations in 1910, 1912, and 1923 as it continued to amass additional debt. When finally completed, the main canal cost $267,000, more than three and a third times Utah Construction's bid. Laterals and other works cost an additional $250,000. Debt plagued the company and its shareholders until 1937 when its principal stockholder became the Federal Land Bank of Berkeley, California. The land bank amassed these shares as many of the West Cache farmers lost their stock through debt foreclosure during the Great Depression.

The complexity of the operations of these mutual companies grew as the Bureau of Reclamation (BOR) extended its operations to Utah. As the first project constructed in Utah prior to 1930, the BOR dammed the Strawberry River.[52] The Strawberry River gathers water from the eastern slope of the Wasatch Mountains in Wasatch County. From Wasatch County, Strawberry River water flows through the Duchesne and Uinta Rivers into the Green River. The BOR project dammed the upper Strawberry River to store water in Strawberry Reservoir and to divert it from the Colorado Plateau to the Great Basin. From the reservoir, the system diverts water into a tunnel drilled through the Wasatch Mountains to Sixth Water Creek, a tributary of Diamond Fork. From Diamond Fork, the water flows into the Spanish Fork River from which users divert it to irrigate farms principally in southern Utah County. The Spanish Fork River originates in a number of creeks and forks near the Utah-Wasatch County line in central Utah, and flows northwestward through Spanish Fork Canyon and the Utah Lake Plain to Utah Lake.

Construction on the Strawberry project began in 1906, and the BOR began delivering water to part of the project in 1916. The project served additional users, as the BOR constructed irrigation works further south in Utah and Juab Counties. As part of the construction agreement, the water

[51] The Eccles and Wattis families organized a construction company that later became one of the six companies the Bureau of Reclamation hired to construct Hoover Dam in the 1930s. The company achieved considerable success, which continued after it moved its headquarters to San Francisco and adopted the name Utah International. On the history of Utah Construction Company see Gene A. Sessions and Sterling D. Sessions, *Utah International: A Biography of a Business* (Ogden: Weber State University Press, 2002).

[52] On the Strawberry Valley Project see Thomas G. Alexander, "An Investment in Progress: Utah's First Federal Reclamation Project, the Strawberry Valley Project," *Utah Historical Quarterly* 39 (September 1971): 286-304.

users who benefited from Strawberry Valley water signed contracts to repay the federal government for the cost of construction.

Like many other farmers in southern Utah Valley, some of the shareholders in the Salem Irrigation and Canal Company contracted for Strawberry Reservoir water. Incorporated originally in 1878 in Salem, a small town in southern Utah County, the company reincorporated in 1903. The company diverted water from the Spanish Fork River to irrigate farms in Payson and Salem.[53]

During the early twentieth century, the Salem Company officers spent much of their time addressing routine matters. These included cleaning ditches and laterals, determining charges to stockholders for operating the system, considering claims for damages caused by the overflow of irrigation ditches, installing "measuring gates" to regulate the flow of water to various members, constructing new irrigation works, and diverting water through their canals for another company.[54]

After construction on the Strawberry Valley Project began, however, the company shareholders struggled with acquiring new water supplies while maintaining their independence. Like shareholders in other mutual companies that relied on the Spanish Fork River in southern Utah County, many of the members of the Salem company did not have sufficient water for adequate irrigation throughout the growing season. Unlike the Bear River or Provo River, the Spanish Fork River drains a relatively small area, and its flow often fails late in the summer. For that reason, many of the shareholders wanted to secure additional water from the Strawberry Valley Project. As early as 1906, stockholders of the Salem company thought they might have to dissolve their corporation and affiliate with the Strawberry Water Users Association in order to enjoy the benefits of the Strawberry Valley Project.[55] They resisted this alternative, though at least by 1908 they had appointed a member to the Strawberry Water Users Association board.[56]

During the project construction, the relationship between the Salem company and the BOR seemed quite cordial. In 1908, for instance, the BOR worked out an arrangement to close down the company's canals in rotation so it could install gates, flumes and various structures at its Spanish Fork power plant. Moreover, the company accepted a BOR proposal to install "rating flumes" to measure the amount of water flowing into the Salem company's system.[57]

As the project neared completion, the company sought to work out an

[53] "Articles of Incorporation of the Salem Irrigation and Canal Company, March 19, 1903," Salem Irrigation and Canal Company Papers, 1866-1979, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, (hereinafter Salem Irrigation Company, BYU).

[54] Board Meeting Minutes, February 26, April 23, June 22, October 2, November 10, 1904; June 15, 1909, September 22, 1917, "Salem Irrigation & Canal Co. Record Book [1900-1931]" (hereinafter cited as Record Book, 1900-1931), Salem Irrigation Company, BYU

[55] Stockholders Meeting, February 10, 1906, Salem Irrigation Company, BYU.

[56] Board Meeting Minutes, April 18, 1908, Record Book, 1900-1931, Salem Irrigation Company, BYU.

[57] Ibid., October 12, 1908, March 27, May 4, 1909.

arrangement to secure water to augment its deficient supply. The Salem company tried first to purchase water, but J. L. Lytel, the project's supervising engineer, told them that the law did not allow the BOR to sell.[58] In 1919 a committee appointed by the company consisting of Eli F. Taylor, C. E. Loose, and N. C. Christensen recommended that the company dissolve and reorganize as an irrigation district. The company went as far as platting the area for an irrigation district, but though company records are somewhat unclear, it appears as though they did not actually organize the district or dissolve the corporation.[59]

Instead, individual members contracted with the BOR for water. In doing so, those who purchased Strawberry River water assumed the usual obligations under the BOR repayment contract.[60] Since the Strawberry water users also watered their crops with Salem company water, the company diverted the BOR water through its canal system to supply those shareholders who contracted for the additional water. The Salem company also authorized those shareholders who owned Strawberry water to appoint a representative to serve on the board of the Strawberry Water Users Association.[61]

On a number of occasions, the Strawberry water user members of the Salem Irrigation Company met separately to coordinate their interests. In such meetings E. E. Beddoes, president of the Salem Irrigation Company, presided. While meeting together, they negotiated such matters as when they would ask the BOR to turn Strawberry water into their system.[62]

Since both the BOR and the Salem Irrigation Company owned water in the Spanish Fork River, they and the other companies that drew on that watercourse had to coordinate their activities. In 1921, for instance, the BOR worked out an agreement with the Salem company and the Spanish Fork South Irrigation Company to exchange flood water which flowed early in the year for water that flowed later in the season and to purchase and operate a radial water gate near the BOR power plant. In 1929 the Salem company and other companies decided not to protest when the BOR filed to appropriate water that flowed during the winter months from Cold Springs, even though they might have had a legitimate right to the water themselves.[63]

Although the companies could not buy water from the BOR for delivery over a long period of time, at some times of short supply the companies actually did rent Strawberry water presumably under the Warren

[58] Ibid., December 28, 1915, (probably 1914), January 16, 1915, July 13, 1918.

[59] Ibid., August 9, December 27, 1919.

[60] "Report of Committee to the Stockholders of the Salem Irrigation and Canal Company," and Resolution of the Stockholders of the Company," pp. 170-71, Record Book, BYU.

[61] Stockholders Meeting Minutes, February 21, 1920, Record Book, BYU.

[62] Strawberry Water Users Meeting, June 21, 1920, May 29, 1925, Record Book, BYU.

[63] Board meetings February 5, March 7, April 19, December 6, 1929, March 10, 1931. Record Book, BYU.

UTAH STATE HISTORICAL SOCIETY

U.S. Mining & Smelting Company, Midvale, Salt Lake County, 1905. Wasatch Front located industries such as smelters and refineries required additional amounts of water.

Act of 1911.[64] In 1922 the Salem Irrigation Company, the Spanish Fork South Irrigation Company, the Spanish Fork East Bench Irrigation Company, and the Lakeshore Irriga-tion Company contracted with the BOR to rent additional water.[65] In 1924, because of a drought the Salem Irrigation Company purchased more than seven hundred acre feet of surplus water from the BOR.[66] Again in 1928 the company rented one hundred-acre feet of water.[67]

The delivery of Strawberry water guaranteed southern Utah County farmers a generally reliable supply for the entire growing season. With the adequate water, farmers in the Salem Irrigation Company, like others in southern Utah County, became increasingly secure in market agriculture. The Utah-Idaho Sugar Company had previously constructed a plant at Payson. With the additional water, the company installed a larger plant at Spanish Fork, and in 1918 another company constructed a plant at Springville. In the 1906 season, farmers had planted only 1,900 acres of sugar beets in southern Utah County. With the stable water supply, in 1919 farmers in the same region planted fourteen thousand acres of beets. Increasingly drawn into a mixed agricultural-manufacturing economy, many of the farmers grew beets in the summer, harvested them in the fall, worked at one of the factories during the winter, and fed their livestock, in part, with beet pulp. In addition to sugar beets, the reliable supply of water facilitated the planting, harvesting, and packing of truck crops and fruit in southern Utah County, a development that took place elsewhere in the Wasatch Oasis as well.[68]

Clearly conditions in southern Utah Valley had changed enormously between 1870 and 1930 as they had throughout the entire Great Salt Lake

[64] On the Warren Act see Donald J. Pisani, *Water and American Government: The Reclamation Bureau, National Water Policy, and the West, 1902-1935* (Berkeley: University of California Press, 2002), 91.

[65] Ibid., May 6, 1922.

[66] Ibid., March 15, 1921, May 6, May 20, 1922, August 22, December 1, 1924.

[67] Ibid., September 5, 1928.

[68] Alexander, "An Investment in Progress," p. 301.

drainage. As conditions changed, the mutual irrigation companies of the Wasatch Oasis had undergone enormous changes as well. Drawn into an increasingly complex society and economy, the companies modernized with conservative speed to take advantage of new conditions. The most radical changes undoubtedly took place in the operations of the Union and Jordan Ditch Company that had become fully involved in smelter operations and in installing urban culinary water systems in central Salt Lake County. By the early twentieth century, the company had become not only an operating irrigation company, but also a holding company, owning shares in other companies. Firms like the Union and Jordan, the Draper, the Dry Creek, and the Salem companies found it expedient to exchange water and to work together in the delivery of water and the construction of irrigation works. A number like the Provo Bench Company and Canal companies in Salt Lake County engaged in suits to confirm their rights to the appropriation of water from larger streams with heavy demands like the Provo and Jordan Rivers.

At the same time, the companies bore the costs of modernization. Stockholders in the West Cache Canal Company mired themselves in almost unimaginable debt in part because they miscalculated the cost of constructing their irrigation system. Some appropriators undoubtedly lost water rights because they acquiesced in decisions made in the companies. Others gained such rights.

As conditions changed, the companies became more interdependent. The Union and Jordan mortgaged its independence by buying stock in other companies and engaging in exchange agreements with Salt Lake City and Sandy. Increasingly, companies in southern Utah County, like the Salem Irrigation & Canal Company, became involved in affairs far beyond the Wasatch Front. The BOR, which, after the passage of the Newlands Act constructed irrigation works throughout the west, constructed the Strawberry Valley project. Shareholders in the Salem Company, who had previously suffered during the season for lack of water, now had sufficient water for extensive commercial agricultural operations. As the price for an assured water supply, members of the company and at times the company itself entered into cooperative and rental agreements that amplified their interdependence.

Perhaps most significant were the compromises that irrigation company stockholders made in order to maintain harmony in their organizations and to deliver water to those who needed it. Water master Carl O. A. Liljablad rented water that belonged to someone else to the Mingo Smelter. Significantly, although stockholders in the Union and Jordan Company like Albert Glover and C. Sharp who apparently lost water, and James Higgins and James Winchester who got new supplies, all agreed to abide by the vote of the majority. Daniel Jones was undoubtedly right in his belief that the company had acted illegally by reallocating the water even by majority vote. Stock in a mutual water company represented the right to use a

specific volume of water for a specified time. The water, however, belonged to individual stockholders under the 1880 law. Water owners might sell or transfer their rights, but such rights were not infinitely convertible. The companies with the shareholders' permission might use the water for generating electricity, concentrating or smelting lead, irrigating subsistence crops, or irrigating crops for the market. Although owners of such rights could hypothecate their stock as collateral for loans, it seems unlikely that stockholders of one of the Wasatch Front's mutual water companies would find themselves disposed to do so in order to finance ventures outside the region.

Thus, these mutual companies operated in an increasingly complex, market oriented, and rapidly urbanizing environment. Whether they grew sugar beets in West Jordan, Amalga, or Salem; fruit trees in Payson or Orem; or truck crops in Union or Sandy, most depended upon markets for the sale of the products of their farms. Urbanization and industrialization led companies to divert their water for smelting, to exchange water for municipal uses, and to deliver it in pipes to urban consumers. Most significantly, like human beings everywhere, they adapted and survived under rapidly changing conditions.

Clearly sixty years of modernization had wrought enormous changes on the mutual irrigation companies of the Wasatch Front. These companies could no longer consider themselves independent of the interests of those who lived around them, if, indeed, they ever were. An increasingly industrial, commercial, and urbanized Wasatch Front had impacted the lives of these people far beyond what they could have dreamed in 1870. As farmers and business people they depended upon each other, on government agencies, and on markets for the commodities and amenities from farms, smelters, and culinary systems that the water they had appropriated helped to provide.

EVALYN DARGER BENNETT, UTAH STATE HISTORICAL SOCIETY

The Women's Cooperative Movement in Utah, 1869–1915

By EILEEN V. WALLIS

The L.D.S. church Relief Society was active in cooperatives. Pictured here left to right are Annie Taylor Hyde, Clarissa S. Williams, Bethsheba W. Smith, Emmeline B. Wells, and Ida S. Dusenberry.

It is distinctly understood that this is not a benevolent undertaking, but positively a business transaction," the *Woman's Exponent*, a Salt Lake City women's newspaper, announced in its December 1, 1890, issue. In an article lauding the recent creation of a "Woman's Store" in the city, the *Exponent* reminded its readers, "the management will be in the hands of women acquainted with business principles, consequently there is little need of uncertainty about its success as a safe investment for capital."[1] While a store created to provide business opportunities for women might sound like a revolutionary development for nineteenth century America, it was actually

Eileen V. Wallis is a doctoral candidate in the University of Utah Department of History where she specializes in gender and race in the American West. She would like to thank the late Dr. Dean May for his invaluable assistance in preparing this article.

[1] "Woman's Store," *Woman's Exponent* 19 (December 1, 1890): 92.

part of a larger movement attempting to make Utah independent from the national economy. Official publications of The Church of Jesus Christ of Latter-day Saints, and newspapers such as the *Woman's Exponent* (1872-1914), constantly exhorted women to consume only locally made products. As a response to this call they entered enthusiastically into home manufacturing, grain storage, and silk production. Women's attempts to, as the *Deseret News* put it, make "two blades of grass" grow "where one grew before" culminated in a series of female-run cooperatives in the 1870s and again in the 1890s.[2] These cooperatives, operated under the auspices of the church's Female Relief Society, provided women with unprecedented opportunities to contribute to their family economies. Yet none of the stores achieved sustained economic success. The story of the rise and fall of female cooperatives can help us better understand how Mormon women struggled to balance the ideology of self-sufficiency promoted by their religion with the economic realities of late nineteenth and early twentieth century America.

The interest among nineteenth century Mormons in cooperative economic institutions had its roots in the earliest years of the church in Missouri. In 1831 Joseph Smith introduced the Law of Consecration and Stewardship. Smith envisioned an economic system that supported individual effort but also placed fundamental decisions about local economics in the hands of church leaders. Such policies would encourage the development of a self-sufficient community of believers, provide for the poor, and equalize income. The death of Smith and the migration of the saints to Utah temporarily forestalled further development of this ideal.[3]

Once safely settled in Utah, the new leader, Brigham Young, implemented policies to bring Smith's vision to life. Initially Young spoke against Mormons opening businesses that dealt in imported goods. He feared this would create an overdependence on eastern goods and prevent the Utah settlements from becoming self-sufficient. Non-Mormon merchants quickly stepped into the breech, happy to satisfy Mormon demand for imported manufactured goods. By the 1860s so many non-Mormon merchants had set up shop that Young began to fear their influence.[4] The rapid approach of the Transcontinental Railroad, which threatened to bring even more imports and non-Mormon influence to the Great Basin, fueled his concerns. Any increase in trade, Young felt, should be controlled by Mormons and in the interest of the community.[5]

A succession of experimental cooperatives had swept through Europe in the previous decades, and some Mormon immigrants from Great Britain

[2] *Deseret News*, March 25, 1868.

[3] Dean L. May, "Mormon Cooperatives in Paris, Idaho, 1869-1896," *Idaho Yesterdays* 19 (Summer 1975): 21.

[4] Leonard J. Arrington, Feramorz Y. Fox, and Dean L. May, *Building the City of God: Community and Cooperation Among the Mormons* (Chicago: University of Illinois Press, 1976), 79-82.

[5] Ibid., 88.

SUSA YOUNG GATES COLLECTION, UTAH STATE HISTORICAL SOCIETY

L.D.S. church general Relief Society board, 1916. Center with book, Emmeline B. Wells.

had had first hand experience with such ventures. Young seized on the idea of cooperatives as the solution. Cooperatives would keep trade in Mormon hands while simultaneously preventing the development of a wealthy merchant class.[6] In 1864 leaders of the northern Utah town of Brigham City founded a cooperative institution. The Mormon emphasis on cooperative endeavor in all things encouraged the rapid spread of cooperative stores.[7] This movement became church-wide in the fall of 1868.[8]

The most famous of these local cooperatives, Zion's Cooperative Mercantile Institution (ZCMI), opened on May 1, 1869, and quickly became the central wholesale firm in Salt Lake City. ZCMI accepted home commodities on consignment or as payment on shares of stock to encourage those without cash to join. Stockholders had voting power in proportion to stock held.[9]

Not all cooperatives had the scale of ZCMI, however. Young also

[6] Other groups in the late nineteenth century also turned to cooperatives for the same reasons as the Mormons. Most notable were cooperatives established by the Knights of Labor in the 1880s and by Populists in the rural midwest and south in the 1880s and 1890s. None of these groups appear to have been connected, however, and Mormon experiments with cooperatives pre-date the others by nearly twenty years. See, for example, the discussion of the Knights of Labor in Sara M. Evans, *Born for Liberty: A History of Women in America* (New York: Macmillan, Inc., 1989).

[7] Arrington, *Building the City of God*, 89.

[8] May, "Mormon Cooperatives in Paris, Idaho," 22.

[9] Arrington, *Building the City of God*, 92-93.

encouraged every ward and settlement to have its own cooperative store. Salt Lake City's Tenth Ward opened the first of these "ward stores" in February 1869. In the last three decades of the nineteenth century one hundred and fifty retail cooperatives could be found scattered across Utah, with more in Idaho.[10] To join, such cooperatives usually required church membership as a prerequisite. Latter-day Saint organizations like the Relief Society could also join. The institutions tithed their net profits and the ecclesiastical officials in the ward usually became officers. The ward bishop often served as manager of the ward co-op.[11] Church leadership saw women as key to the success of the cooperatives. They argued women were more likely to demand and consume eastern-made goods, and thus could potentially undermine Mormon self-sufficiency. Moreover, women demanded goods that could not easily be produced at home, such as sugar, spices, ribbons, artificial flowers, and fabric. Account books from tithing stores show that wives and daughters consumed more fabric than any other imported commodity.[12] The question of how to temper female demand for manufactured goods remained a thorny one. As early as 1856 Heber C. Kimball explained how he handled these demands from the women in his family by saying to them: "Ladies, you don't get me to buy you another ribbon, or artificial. If you want flowers in your hair, or in your bonnets, take the peach, apple, or other blossoms in their seasons, and then you will have the real instead of the artificial."[13]

Church leaders hoped goods produced locally and sold in cooperatives could satisfy demands for fabric and "artificals." To keep women enthusiastic about the movement for self-sufficiency, Brigham Young also encouraged women to become involved in their local cooperatives. Their involvement had the added benefit of freeing men to become producers in agriculture and industry. Young argued that women could keep the books and sell goods in the co-ops just as capably as men did.[14] Female participation in home manufacturing received its biggest boost, however, from the Relief Society. In 1867 Eliza R. Snow began supervising the establishment of "Female Relief Societies" in every Mormon settlement in the Great Basin. President Young asked the Relief Societies to teach the poor to provide for themselves and to establish institutions and programs that "would assist the poor to live more comfortably and those not so poor to live more frugally."[15] The LDS church assigned five official tasks to the Relief

[10] Ibid., 101.

[11] Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830-1900* (Cambridge: Harvard University Press, 1958), 304.

[12] Maureen Ursenbach Beecher, "Women's Work on the Mormon Frontier," *Utah Historical Quarterly* 49 (Summer 1981): 284.

[13] *Journal of Discourses*, (Liverpool and London: F.D. Richards, et al., 1855-86): 4:4.

[14] Arrington, *Great Basin Kingdom*, 306-307.

[15] Leonard J. Arrington, "The Economic Role of Pioneer Mormon Women," *The Western Humanities Review* 9 (Spring 1955): 146-47.

Societies: systematic retrenchment; the establishment and operation of cooperative stores specializing in merchandise of home manufacture; the promotion of home industry, particularly the silk industry; grain saving; and nursing, midwifery, and the maintenance of a hospital.[16] The *Deseret News* editorialized on the key role women could play in home industry:

> Here is a field ample enough to afford scope sufficient to the most ambitious, and we trust that our Female Relief Societies…can materially contribute in this manner to the independence of Zion. If he who causes two blades of grass to grow where one grew before is a benefactor to the human race, how much more is he or she who contributes to elevate a human being from helpless poverty to comparative industry![17]

Relief Societies in several wards bought stock in their local cooperatives, and women participated eagerly in home manufacture. After a visit to the cooperative in Willard City, Eliza R. Snow proudly reported that women there manufactured straw for bonnets and also artificial flowers. When she asked for any woman wearing a homemade hat or bonnet to rise to her feet, two-thirds of the women present did so.[18] Some local Relief Societies went one step further and established their own cooperatives, such as the "Female Relief Society's Cooperative Mercantile and Millinery Institution of Weber County," which opened in 1869.[19] Financed by donations of labor and materials and the sale of quilts, carpets, and other products, the Ogden store operated out of its own building. The store opened its doors with $697 in capital and specialized in straw hats.[20] The ladies of the Fourteenth Ward in Salt Lake City opened a cooperative tailoring establishment in their Relief Society building, where they specialized in men's and children's clothing.[21] Relief Society members in Summit County opened a store that featured millinery work, hat making, and dressmaking. The store employed an average of five women. This branch of the Relief Society continuously reinvested its profits and paid for its building in four years.[22] In Paris, Idaho, the ladies of the Relief Society considered opening their own cooperative to market butter and eggs in Evanston, Wyoming. They sold stock at five dollars per share before deciding to support a new general cooperative store under male leadership instead.[23] The Manti Relief Society established its own female cooperative in April 1875, with a capital of $2,000, and paid its

[16] Ibid., 147.

[17] *Deseret News,* March 25, 1868.

[18] Eliza R. Snow, "A Short Excursion," *Woman's Exponent* 4 (September 1, 1875): 52.

[19] Jill Mulvay Derr, Janath Russell Cannon, and Maureen Ursenbach Beecher, *Women of Covenant: The Story of Relief Society* (Salt Lake City: Deseret Book Company, 1992), 96. Surviving ward records are silent on how such cooperatives worked. They probably accepted home manufactured goods on consignment and in some cases sold stock. Unlike ZCMI, however, most were unable to provide dividends to their shareholders.

[20] Arrington, "Economic Role of Pioneer Women," 151.

[21] "Tailoring Establishment," *Woman's Exponent*, 3 (May 1, 1875): 181.

[22] Arrington, "Economic Role of Pioneer Women," 151.

[23] Paris, Idaho, Relief Society Teachers' Minutes, 1870-1877, April 2, 16, May 7, 1874, LDS Church Historical Department, Church Archives, Salt Lake City, quoted in May, "Mormon Cooperatives in Paris, Idaho," 24.

first dividends to shareholders the following October.[24] At the dedication of the Fifteenth Ward Relief Society Hall in November 1868, Relief Society President Sarah M. Kimball called the building "our store" and told the audience that while the upper story would be dedicated to art and science, the lower story would be dedicated to commerce and trade.[25] The Relief Society sold woolen cloth, carpet rags, spools of cotton, baby stockings, crewel and braid, dried fruits, valentines, buttons, shoes, and moccasins on commission to help pay for the building.[26]

Ward cooperatives encouraged women to buy stock in male-run cooperatives, but many in the church hierarchy balked when Relief Society branches opened their own stores. The bishops argued that the Relief Society's stores should remain under male direction. Women could manage the stores, they argued, but not dictate how they were run.[27] Eliza R. Snow countered that the women's cooperatives should remain independent of the male church hierarchy and still receive its support. The Salt Lake stake bishops finally turned to President Young for clarification. Young responded that since some communities had failed to open cooperatives, he had asked the women to do so, knowing they would. Young smoothed over these differences by stressing the importance of unity in purpose to make Zion self-sufficient.[28] *The Deseret Evening News* echoed his sentiments:

> In this city many of the female Relief Societies of the various wards have taken stock in the Cooperative Institutions. This is well; but it is not sufficient that they should be interested collectively….Women can wield a most potent influence in these matters, and it would be folly to ignore the fact. With women to aid in the great cause of reform, what wonderful changes can be effected! Without her aid how slow the progress! Give her responsibility, and she will prove that she is capable of great things.[29]

Mormon women proved to be capable of "great things" in 1876, when they opened the Women's Centennial Territorial Fair. Visitors paid ten cents to view numerous examples of women's handiwork and creative abilities. The fair ultimately made a profit and the women donated it to charity. Pleased with their success, Brigham Young asked the Relief Society to turn the fair into a commission store.[30] Eliza R. Snow became president of this

[24] "A.L. Cox to Editor Exponent, Manti, November 12, 1876, *Woman's Exponent*. 5 (December 1, 1876): 98. The report from the Manti Relief Society appearing in *Woman's Exponent* reported the start-up capital as being $200,000, but this is probably a typographical error that should have read "$2000." See Kathleen C. Haggard, "'In Union is Strength': Mormon Women and Cooperation, 1867-1900" (Master's Thesis, Utah State University, 1998), 24.

[25] "Address," *Woman's Exponent*, 14 (June 15, 1885): 14.

[26] Jill C. Mulvay, "The Liberal Shall be Blessed: Sarah M. Kimball," *Utah Historical Quarterly* 44 (Summer 1976): 214-15.

[27] Derr, *Women of Covenant,* 96. Some combination of a desire to maintain hierarchical church authority and to limit economic competition with male cooperatives was probably behind the bishops' stance, although none ever elaborated on their opposition.

[28] Ibid., 97, 99.

[29] *Deseret Evening News*, May 19, 1869.

[30] Derr, *Women of Covenant*, 84.

UTAH STATE HISTORICAL SOCIETY

Fifteenth Ward Relief Society Hall and cooperative store, 1869, Salt Lake City.

new organization, and on October 15, 1875, the Relief Society opened their new store in the Old Constitution Building, opposite ZCMI.[31] However, the store opened with no capital, so it could sell only on commission.[32] The loose plan seems to have been that until the store could sustain itself women would work without pay.[33] Eliza R. Snow entrusted the management of the store to the "prudent" Mrs. Mary Isabella Horne.[34] The Woman's Commission Store's first notice reported it "had for sale many useful and ornamental articles…[and] nearly all the varieties of church books."[35]

The larger goal of freeing Utah from its economic dependence on the East remained in the forefront of women's minds as they promoted the Woman's Commission Store.[36] The new LDS women's publishing venture, the *Woman's Exponent,* argued that the store "ought to receive the patronage of every person who has the best interests of Zion at heart...it is an enterprise which will be the nucleus of a great culminating system of financering

[31] Although this women's cooperative clearly had its origins in The Church of Jesus Christ of Latter-day Saints, women elsewhere in the United States also experimented with cooperative businesses. These include women's cooperatives organized by the Knights of Labor; women's sewing cooperatives established in Philadelphia in 1850 and in New York in 1851; and the late nineteenth century Oregon Women's Flax Association. See Evans, *Born for Liberty,* 137; Nancy F. Cott, ed., *No Small Courage: A History of Women in the United States* (New York: Oxford University Press, 2000), 274; and Sandra L. Myers, *Westering Women and the Frontier Experience, 1800-1915* (Albuquerque: University of New Mexico Press, 1999), 264.

[32] "The Relief Society Woman's Mercantile Association," *Woman's Exponent*—5, (October 15, 1876): 77.

[33] "Woman's Commission House," *Woman's Exponent* 5 (November 15, 1876): 92.

[34] Susa Amelia Young Gates, "Drafts of History of Women," LDS Church Historical Department, Church Archives.

[35] "Notice," *Woman's Exponent* 5 (October 15, 1876): 77.

[36] There seems to have been little consistency in the name of the store: records refer to it interchangeably as the Woman's Commission Store, the Women's Commission House, and the Cooperative Store.

within the Territory."[37] Yet as in any business management leaders also had to keep the public up to date on new goods available in the store and to encourage women to buy there. The need for self-sufficiency and the need for more shoppers often intertwined in the store's advertising. When store management advertised a new supply of shoes manufactured in Brigham City, for example, they also asked readers to consider making women's underclothing and children's suits to be put on sale. "There are many of these things made up in the East and brought here and sold," the *Exponent* complained, "when our sisters might have the profit of the making."[38]

The Woman's Commission Store prided itself on its female managers and the positive example it set for women throughout Utah. The Relief Society argued that household thrift and economy lay in the hands of women: "One of the lessons taught in an association of women should be to use money wisely and make better investments than the extravagant adornments of their own persons….The economizing and saving money from useless expenses and superfluous waste is one of the relative duties of woman to the household."[39]

Women in need of funds could sell goods in the Commission Store to support themselves and their families without stepping out of their proscribed sphere of the home. The Relief Society cooperative stores carried goods women used in their normal domestic activities; there was nary a plow, axe, or hammer to be seen.[40]

While they spoke out against patronizing gentile, or non-Mormon, merchants, Relief Society records are silent on where non-Mormon women fit into these schemes. Gentile women may or may not have been permitted to sell goods in the cooperatives. However, relations between the two groups of women in the 1870s had been strained over the issue of polygamy, and non-Mormon women participated in a wide variety of their own social clubs. Thus, few probably patronized the Commission Store or understood Mormon women's commitment to self-sufficiency.[41]

In the *Woman's Exponent,* the Commission Store advertised its continually increasing stock of goods. By 1877 it sold not only all sorts of fabric and sewing supplies but also New Zealand flax seed, eggs, brooms, canned fruit, silver plating, and "R. Matthews and Co.'s Essence of Jamaica Ginger."[42] Along with these advertisements came frequent exhortations for women to

[37] "Women's Commission House," *Woman's Exponent* 5 (December 15, 1876): 108.

[38] "Home Affairs—The Women's Commission House," *Woman's Exponent* 6 (June 1, 1877): 4.

[39] "Do Women Earn Money?" *Woman's Exponent* 8 (October 1, 1879): 68.

[40] Beecher, "Women's Work on the Mormon Frontier," 289-90.

[41] Carol Cornwall Madsen, "Decade of Détente: The Mormon-Gentile Female Relationship in Nineteenth Century Utah," *Utah Historical Quarterly* 63 (Fall 1995): 299-307. Madsen points out that polygamy, Utah's permissive divorce law, and even suffrage created wide ideological rifts between LDS and gentile women in Utah. Gentile women, she argues, channeled their energies into groups like the Baptist Ladies Aid Society and the Women's Christian Temperance Union, much as Mormon women channeled theirs into the Relief Society. Interdenominational cooperation between women in Utah would not exist until the 1890s.

[42] "Home Affairs," *Woman's Exponent* 6 (August 1, 1877): 36.

patronize the store and "use every effort possible to make it a complete success."[43] Women from many different settlements took their goods to be sold on commission. The Commission Store also provided employment for women in a dressmaking department. Historian Leonard J. Arrington argued that the store proved so successful that Relief Societies in Brigham City, Provo, Parowan, and St. George opened similar establishments.[44] Yet by 1881 the Salt Lake City Commission Store had disappeared and the others rapidly followed suit. What went wrong?

Two types of difficulties may help explain the demise of the women's commission stores. The first can be characterized as external: problems such as competition and economic changes over which the cooperatives had little or no control.

Outside competition increased with the arrival of the railroad in 1869, just as Brigham Young had feared. Isolation had made it difficult and expensive to obtain manufactured goods from the East. But with Utah now connected to the rest of the United States outside products of superior quality suddenly cost little more than home manufactured items. Due to limited capital, most cooperative managers could not keep the variety of goods on hand that could be found in competitors' stores.[45]

Economic changes driven by new technology may also have played a part. Not only did more goods arrive from the East, but also factories throughout the United States were increasingly producing consumer goods by machine. Machine-made goods could be made much more cheaply than homemade. For example, after 1869, imported cloth was both more attractive and cheaper than homespun, even in a largely barter society like Utah.[46] Machinery also created the ready-to-wear clothing industry. The affordable and fashionable clothing now available in Utah cut into demand for the stores' tailors and milliners. As Susa Young Gates lamented, "these two causes were productive of narrowing conditions for the women's attempt at individual mercantile existence."[47]

The second category of difficulty is both more elusive and more tantalizing for the historian. This would include internal difficulties—business management problems and difficulties in obtaining the patronage of local women.

Business problems plagued the stores from the beginning. As part of the drive to promote home manufacture, the Relief Society set its commission low. Reflecting on the Woman's Commission Store, Eliza R. Snow remembered that they accomplished their goal: "[this policy] brought to hand a great variety of useful and fancy articles, which gave the store the appear-

[43] "Home Affairs," *Woman's Exponent* 6 (August 15, 1877): 44.
[44] Arrington, "Economic Role," 151.
[45] Arrington, *Building the City of God*, 218.
[46] Beecher, "Women's Work on the Mormon Frontier," 283.
[47] Gates, "Drafts of History of Women."

UTAH STATE HISTORICAL SOCIETY

Zion's Cooperative Mercantile Institution, interior, located on Main Street, Salt Lake City was the most successful of the cooperative stores, no date.

ance of an eastern bazaar."[48] But such low commissions also made it difficult for the stores to turn a profit or provide dividends to investors.[49] Staffing the stores could also be a problem: even with numerous volunteers, Snow lamented the tremendous demands it made on her time. She expressed relief when church leadership released the Relief Society from responsibility for the store.[50] In all likelihood, Snow was not the only woman unhappy about the demanding work of running the cooperative stores. Relying on volunteers made it difficult to create a continuity of staff and management. Women frequently moved, resigned, or were called to other duties. When the president of the St. George women's cooperative resigned the new president promptly demanded a salary as compensation for her time and effort. Her demand divided local women and created "a lack of unity among some of the women."[51] Under this pressure the stockholders gave up and sold the store to Erastus Snow in 1880.[52]

But perhaps the most perplexing problem is those constant exhortations in the *Exponent* for the patronage of the LDS women. Historian Maureen

[48] Eliza R. Snow, *Eliza R. Snow, An Immortal: Selected Writings of Eliza R. Snow*," (Salt Lake City: Nicholas G. Morgan, Sr., Foundation, 1957), 43.

[49] Ibid.

[50] Ibid. Snow remembered the Relief Society being released from responsibility for the store after one year; other accounts, however, indicate this did not occur until the late 1870s.

[51] Gates, "Drafts of History of Women."

[52] Ibid.

Ursenbach Beecher has argued that the cooperative movement actually had little effect on what women consumed. For support she points to the "never-changing preaching" of Mormon leaders. As each new item, "the fashion of Babylon," was successfully imported and sold in Utah, the cry went out again over the pulpit. And each time, the women were seen as the culprits, their demands for eastern goods decried, their extravagance blamed for their husbands' financial failures, and the community's empty coffers.[53]

To the women themselves, consumption of eastern-made goods may have provided a valuable link with the gentile culture they had left behind. As Beecher points out, studies of costume indicate that the dresses of Mormon women varied little in style of fabric either from those of the same period found elsewhere in the United States or in fashionable publications of the day.[54] Those women who did wear homemade goods did not always do so happily. As Susa Young Gates remembered: "It is true that homemade hats were a great trial to the feelings of young girls who were compelled to wear them by their conscientious and dutiful mothers. Indeed, it might be said that the mothers themselves bore their homemade crosses upon their heads with more or less of the martyr's feelings."[55]

The new variety of well-priced goods brought by rail after 1896 turned Mormons, and particularly Mormon women, into savvy consumers who now wanted attractive, fashionable, and well-made goods. They gave their business to the stores that carried such products. The local cooperatives, with their severely limited capital and volunteer staffs, could not compete.[56]

Private enterprise gradually replaced the cooperative aspects of these businesses. In 1882 a private operator purchased the Cooperative Mercantile and Millinery Institution of Weber County.[57] The Woman's Commission Store's last advertisements appeared in 1879. It may have been absorbed into the establishment of John C. Cutler, who had moved his dry goods business into the Old Constitution Building that same year.[58] In an 1881 issue of the *Woman's Exponent* he offered "home-made silk" for sale at "Cutler's Commission Store."[59] The commission stores may not have received enough patronage to remain economically viable. Or they may have sunk under some combination of debt and management troubles, as similar ward cooperatives did. Unfortunately, due to the lack of documentation available these questions must remain unanswered. The Relief

[53] Beecher, "Women's Work on the Mormon Frontier," 283.

[54] Ibid., 286.

[55] Gates, "Drafts of History of Women."

[56] Arrington, *Great Basin Kingdom,* 218.

[57] Arrington, "Economic Role of Pioneer Women," 151.

[58] "John C. Cutler" in Andrew Jenson, *Latter-Day Saint Biographical Encyclopedia: A Compilation of Biographical Sketches of Prominent Men and Women in the Church of Jesus Christ of Latter-day Saints*, (Salt Lake City: Andrew Jenson History Company, 1920), 3:360.

[59] *Woman's Exponent* 10 (June 15, 1881): 16. Cutler may have been one of the "two young gentlemen" Eliza R. Snow remembered as taking over the management of the store. See Snow, *Eliza R. Snow* , 43.

Society did not completely give up on its dreams of self-sufficiency, however. Although the cooperative store idea would lie dormant for a decade, by 1891 it returned in a new form. Relief Society leadership became more determined than ever to make it a success.

"Preliminary steps have been taken towards the establishment of a Woman's Store in this City at an early day," the *Woman's Exponent* reported in its December 1, 1890, issue.[60] Mrs. Mary Isabella Horne, who presided over the Salt Lake Stake Relief Society, served as chairman of this meeting, where she "plainly stated" the advantages of a woman's store. Shares in the new venture cost five dollars each, and many of the women present purchased them. This seems to have been the extent of capital raised. Interestingly, this announcement makes no mention of the Woman's Commission Store or the other Relief Society stores that had been scattered across Utah in the 1870s. The rhetoric surrounding the venture had changed as well. The Relief Society no longer spoke of the need for an independent Zion or any larger mission, but of the need to invest Relief Society funds in a well-managed business.[61]

The store ambitiously promised to soon have dressmaking, millinery, and hairdressing departments that would not only serve the public but train young girls in "these active industrial employments."[62] True to its word, on Monday, December 15, 1890, the Woman's Cooperative Mercantile and Manufacturing Institution opened for business at 123 East, First South Street in Salt Lake City, just opposite City Hall.[63] Once again the *Exponent*'s calls for Mormon women to patronize the new store argued in favor of home industry. But now it also argued such patronage would help forward the cause of equal rights in which Mormon women had become actively involved.[64]

How the cooperative store might affect equal rights is unclear, but what is clear is that the Relief Society leadership once again put its considerable weight into backing the store. Perhaps its greatest asset in this endeavor was Mrs. Mary Isabella Horne herself. She had, after all, had direct experience with the original Woman's Commission Store. Horne clearly also had a talent for organization and leadership. In addition to her work with the Salt Lake Relief Society, Horne served as President of the Senior Cooperative Retrenchment Association, as treasurer for the Central Board of the Relief Society, and as a member of the Deseret Hospital committee.[65] Mormon women liked and respected her. As one woman who knew her fondly remembered, "I used to mentally compare [her face] to that of Washington,

[60] "Woman's Store," *Woman's Exponent* 19 (December 1, 1890): 92.
[61] Ibid.
[62] Ibid.
[63] "The Woman's Store," *Woman's Exponent* 19 (December 15, 1890): 104.
[64] Ibid., and Derr, *Women of Covenant*," 137.
[65] "Horne, Mary Isabella" in the *Encyclopedia of Mormonism*, ed. Daniel H. Ludlow (New York: Macmillan Publishing Company, 1992), 2: 657-59.

UTAH STATE HISTORICAL SOCIETY

Zion's Cooperative Mercantile Institution located on First South, Salt Lake City, photograph taken about 1885.

and I think still I was not mistaken."[66] In addition to her other duties Mrs. Horne served as president of the cooperative's parent organization, the Woman's Cooperative Mercantile and Manufacturing Association.[67]

Why, if technological change or competition had driven them out of business once before, did the Relief Society choose this particular moment to revive the cooperative store? The heyday of cooperatives had come and gone, and by the 1890s the church hierarchy itself had abandoned cooperatives in favor of integrating Utah into the larger national pattern of business and trade.[68] The Woodruff Manifesto of 1890, which had abolished plural marriage, had eliminated one of the major divisions between Mormons and non-Mormons.[69] The Relief Society had changed as well. As founding leaders died younger women worked to establish a new impersonal, business-like order.[70] Women of Horne's generation may not have been entirely happy with all of these challenges to the old order. Horne's own involvement with retrenchment suggests she, at least, remained committed to economic self-sufficiency. In many ways the second cooperative movement may have been the last articulation of earlier Mormon values of self-sufficiency and independence from non-Mormon society.

As had previous Relief Society cooperatives, the Woman's Cooperative Mercantile and Manufacturing Institution focused on selling goods that would be of interest to other women. In addition to making dresses, it also sold dress goods, trimmings, and burial suits. An 1891 advertisement promised that the store "keeps on hand…fancy articles and notions, books

[66] "Horne, Mary Isabella," in Augusta Crocheron, *Representative Women of Deseret,* (Salt Lake City: J.C. Gram and Company, 1883), 17-23.

[67] *Woman's Exponent* 19 (January 1, 1891): 112. As with the earlier store, several names were used interchangeably for this institution.

[68] Richard D. Poll, Thomas G. Alexander, Eugene E. Campbell, and David E. Miller, eds. *Utah's History* (Logan: Utah State University Press, 1989), 239.

[69] Derr, *Women of Covenant*, 135.

[70] Ibid., 156.

and stationery, equipoise waists, etc…bonnets cleaned and retrimmed while you wait, feathers curled, etc. Buttons covered while you wait. Burial suits a Specialty."[71] At Christmas time they added an assortment of holiday goods, dolls, and toys.[72]

But even as it stocked its shelves the cooperative stood on shaky ground. At the annual shareholders meeting, Mrs. Mary Isabella Horne spoke about the disadvantages under which the institution labored, among which she included the lack of interest shown by some of the stockholders themselves. She also spoke about the opposition against the cooperative movement she encountered.[73] Unfortunately she does not describe the source of this opposition, but if the pattern followed that of the 1870s she may have been referring to resistance from some of the local women. However, she promised that the store would soon be able to pay dividends. Mrs. E. H. Woodmansee reported that she had heard a great many complaints but "nevertheless we are doing well, and must not expect too much at first."[74] Mrs. C. C. R. Wells urged the stockholders to patronize their own store.[75] Clearly old patterns had begun to repeat themselves.

Signs of this can be seen in the continued exhortations of the *Exponent*: "The Woman's Cooperative Store fills an important place," it argued, "it is an undertaking that should meet with the hearty support of women who are looking to home interests, and home industries that will give suitable employment to those who possess ingenuity and skill of various kinds."[76] A year later came a reminder that women should "go to the Woman's Store and see what there is to buy there before purchasing elsewhere."[77]

At the 1892 stockholders meeting, Vice President M.Y. Dougal again urged the members to patronize the store and made a plea for more capital to make the store a success. Mrs. E. H. Woodmansee argued that the store provided a place to apprentice daughters "under a good influence, and…if we will be patient some one, in the not distant future, will have the pleasure of declaring a dividend."[78] By the 1893 meeting, President Horne openly blamed the store's continued financial woes on the non-patronage of the stockholders and the community in general.[79]

However hobbled the Woman's Cooperative Mercantile and Manufacturing Association may have been, other branches of the Relief

[71] *Woman's Exponent* 20 (July 1, 1891): 8.
[72] "Christmas Display," *Woman's Exponent*, 20 (December 15, 1891): 93.
[73] "W.C.M. and M. Institution," *Woman's Exponent* 20 (September 1, 1891): 37.
[74] Ibid.
[75] Ibid.
[76] "The Woman's Store," *Woman's Exponent* 20 (October 1, 1891): 53.
[77] "Editorial Notes," *Woman's Exponent* 21 (December 15, 1892): 92.
[78] "Stockholder's Meeting," *Woman's Exponent* 21 (September 1, 1892): 37.
[79] "Woman's C. M. & M. Institution," *Woman's Exponent* 20 (March 1, 1891): 125. It is interesting to note that the 1890s were a period of economic depression nationwide. However, none of the surviving records make any mention of the larger national or state economy affecting the cooperative stores. This would seem to suggest management understood the problems to be entirely local in origin.

Society also again experimented with cooperatives. The Salt Lake Stake Relief Society's financial report for 1893-94 reported cooperative stores in six other communities, with a combined total of $10,585 worth of cash and stock on hand.[80]

The Salt Lake City store, however, remained the cornerstone of the revival. And it still struggled under heavy debt, mainly owed to businessmen from the East.[81] In 1896 the board of directors placed it under the management of Mrs. Francis and her daughter, Mrs. Kelly. Both women had had extensive dressmaking experience in England, where Mrs. Kelly had worked for a Court milliner and dressmaker.[82] Mrs. Francis addressed the Relief Society meeting hoping to raise $500 by selling more shares.[83] Francis and Kelly proved innovative managers: as hungry visitors flooded into Salt Lake City for Pioneer Day festivities in 1896 the managers moved the store's merchandise and temporarily turned the retail space into a restaurant. This successful venture enabled the store to pay off its creditors.[84]

The other cooperative stores soon vanish from Relief Society records, but the main store managed to last into the twentieth century. In 1902 Miss Mary Morgan took over management of the store from Mrs. Francis; under her direction the store began to specialize in burial clothes.[85] The Relief Society increasingly focused on mother education courses and social work, similar to Progressive women's work found elsewhere in the United States.[86] The store survived by specializing in millinery work, and city directories of the period list it simply as the "Women's Cooperative Millinery."[87] In 1911 a brief flurry of activity surrounded the store as Relief Society leaders once again encouraged women to patronize the store as liberally as they could. The Relief Society leadership proposed establishing an employment bureau adding dressmaking (which seems to have lapsed in the interim), hair dressing, and manicuring departments in the store.[88] None of these proposals, however, seem to have come to pass, and in 1912 the Relief Society established a separate department that sold temple and burial clothes.[89] Records indicate the store had asked to be relieved of this

[80] Salt Lake Stake Relief Society Minutes, Financial Report, 1893-1894, Salt Lake Stake Minutes, Relief Society, 1880-1973, LDS Church Historical Department, Church Archives.

[81] Gates, "Drafts of History of Women." Unfortunately surviving records do not account for how and why this debt accumulated.

[82] "Woman's Co-op Store," *Woman's Exponent* 25 (December 15, 1896): 79.

[83] "Salt Lake Stake," *Woman's Exponent* 25 (January 1, 1897): 94. Unfortunately the financial records of the store have not survived to tell us if she succeeded.

[84] Gates, "Drafts of History of Women."

[85] Ibid.

[86] Derr, *Women of Covenant,* 157-59.

[87] See, for example, the store's entry in *Salt Lake City Directory, 1906* (Salt Lake City: R.L. Polk and Company, 1906).

[88] Salt Lake Stake Relief Society Minutes, January 28, 1911, Salt Lake Stake Minutes, Relief Society, 1880-1973, LDS Church Historical Department, Church Archives.

[89] "Emmeline B. Wells" in Kate B. Carter, *Our Pioneer Heritage* (Salt Lake City: Daughters of Utah Pioneers, 1965), 8: 200.

UTAH STATE HISTORICAL SOCIETY

Zion's Cooperative Mercantile Institution housed in The Old Constitution Building, Salt Lake City, no date.

responsibility, most likely to focus on millinery work.[90] Between 1909 and 1915 the Women's Cooperative Millinery changed locations five times. Official records remain silent on how and why the Relief Society allowed the cooperative to continue to struggle. Nineteen fifteen is the last year the cooperative appears in any city directory; after that it disappears entirely from public record. Relief Society records make no mention of the decision to close the store. The second great experiment with Mormon women's cooperatives appears to have died the same ignominious death as its predecessor. In 1919 the Relief Society organized its Social Welfare Department, an endeavor that would lead the twentieth century Relief Society in an entirely new direction.[91]

The history of women's cooperatives in Utah holds many seeming contradictions. The Woman's Commission Store of the 1870s found enough support from Mormon women to market home-produced goods, yet in spite of powerful ideology it lasted less than a decade. The Woman's Cooperative Mercantile and Manufacturing Association of the 1890s suffered from a lack of support and capital from the beginning, but this cooperative lasted nearly twenty-five years. Lists of products available in the stores suggest that Mormon women, like their non-Mormon western counterparts, certainly took advantage of the opportunity to market their home-produced goods.

Many Mormon women also purchased stock in the cooperatives. Unfortunately, diaries and journals of the period make no mention of the cooperatives, making it difficult to judge what individual women thought of the cooperatives. External explanations for the failure of the cooperatives do little to account for the reintroduction of the movement in the 1890s or for its lingering presence. Statements by Relief Society leaders clearly indicate that the larger society did not patronize the stores as much as they could have. Why, then, did women take on the monumental task of operating these cooperatives not once, but twice?

Clearly the answer lies in the appeal of self-sufficiency and the tempering effects of economic reality. Women initially greeted pleas for self-sufficiency

[90] Amy Brown Lyman, *In Retrospect: Autobiography of Amy Brown Lyman* (Salt Lake City: Deseret News Press, 1945), 49.

[91] Ibid., 64.

enthusiastically, but no amount of encouragement from church leaders overcame their desire for eastern-made goods. Movements like retrenchment and cooperatives seem to have only made Mormon women cling all the stronger to the American society they had left behind.[92] A dress made of imported calico, a pot of honey from an eastern state: these small items clearly held meanings for women no amount of preaching could overcome.

However, as unsuccessful as these cooperatives may ultimately have been, the Relief Society took from them valuable lessons about organization, administration, and, yes, even home manufacture. In the 1930s, when the Relief Society again searched for some way women could supplement their family income during the Great Depression, it revived the old standard of home industry. In this case, the solution became the Mormon Handicraft Shop, which has survived intact to the present day.[93] Interestingly, Mormon Handicraft provides a valuable market for handmade goods by marketing primarily not to other Mormon women, but to tourists who seek quaint items of a bygone era to take home. But perhaps, in a roundabout way, Brigham Young's dreams of promoting home industry have come true after all.

[92] Beecher, "Women's Work on the Mormon Frontier," 290.

[93] Relief Society of the Church of Jesus Christ of Latter-day Saints, *History of Relief Society, 1842-1966* (Salt Lake City: General Board of Relief Society, 1966), 115.

Kanosh and Ute Identity in Territorial Utah

By HYRUM S. LEWIS

UTAH STATE HISTORICAL SOCIETY

Early Utah was marked by considerable interaction between Ute Indians of the area and Mormon settlers. This confrontation resulted in various combinations and degrees of capitulation, resistance, and adoption by the Utes of the settlers' customs, habits, and culture. Kanosh, leader of the Pahvant band of Utes, perhaps better than any Utah native of the time, exemplified this adaptation by Indians to Mormon ways, and, as such, he serves as an interesting case study through which to view the Ute adaptation to Mormon settlers as a whole.[1] This essay will examine Kanosh's assimilation and the advantages that compromise gained for him and his people. While one can only hope to partially understand Kanosh and Ute identity, as the records are heavily biased towards the Euro-American point of view, a careful examination of a variety of sources reveals an intelligent man with complex motives for compromise that defied the white chroniclers' prejudices and perceptions.[2]

Kanosh was born in Southern California probably in the year 1828 to a Ute Chief

Chief Kanosh.

Hyrum S. Lewis is a doctoral student in American history at the University of Southern California.

[01] Ronald Walker's article "Wakara Meets the Mormons," for instance, portrays Wakara as a case study of Indians who took a calculated resistant position to cope with the influx of settlers. See Ronald W. Walker, "Wakara Meets the Mormons, 1848-1852: A Case Study in Native American Accommodation," *Utah Historical Quarterly* 70 (Summer 2002): 215-37.

[2] Since virtually all records on this topic were left by white Mormon settlers, I have attempted, wherever possible, to rely on oral interviews with Pahvant descendents and the few remaining Native American written sources for balance.

father, "Kashe Bats," and a Native Californian mother, "Wah-Goots." His early life was spent at a Catholic mission where he learned to speak three languages (Spanish, English, and Ute), and to understand the basics of Euro-American culture.[3] When his father died, he moved to Utah to assume a place of leadership, but in spite of his father's prominence he had to earn his position of authority. Although young, he was selected as the leader of the Pahvant band because of his talent in rhetoric, negotiation, and administration.[4]

Before the arrival of the Mormons, Kanosh participated in traditional aspects of Ute life and distinguished himself as one of the foremost Indian leaders in the area.[5] In 1851 the young chief had his first encounter with Mormons when a group of settlers asked permission to settle on Pahvant land. Kanosh granted their request, but was shrewd enough to require that the settlers precisely outline in contract which lands they would inhabit and which would be left to the Pahvants.[6] This move proved to have important consequences when removal became the policy after the Black Hawk War of 1865.

Kanosh's fame throughout the territory came from his involvement in the aftermath of the 1853 Gunnison Massacre. When members of his band killed a team of government surveyors led by John Gunnison, responsibility fell to Kanosh to calm the tense situation. Through diplomacy and the ability to work within white law, he was able to appease the settlers and placate angry members of his own band.[7] In other early encounters with the Mormons, such as a misunderstanding over the nature of a Fourth of July celebration, Kanosh acted judiciously and prevented incendiary situations from resulting in violence.[8] His ability in shrewd compromise was already apparent.

[3] George Washington Bean, *Autobiography of George Washington Bean, a Utah Pioneer of 1847, and His Family Records* (Salt Lake City: Salt Lake City Printing Co., 1945), 70; and *Millard County Chronicle,* March 3, 1879, Daughters of the Utah Pioneers Museum, Kanosh, Utah.

[4] Since the current-day Pahvants use the term "band" to refer to themselves, I will also employ this word instead of the more traditional expression "tribe."

[5] Frank Beckwith, "Indian Joe in Person and in Background," typescript, Utah State Historical Society, 31.

[6] I understand that "resistant" is a problematic term in this context and is difficult to define. Kanosh may have used accommodation as a form of "resistance," and scholars in other areas of ethnic history have argued that this was the case in parallel racial conflicts. For instance, Robert Kelly in his article "We Are Not What We Seem," *Journal of American History* 80 (June 1993): 75-113 maintains that African American accommodation was a method of working class resistance in the Jim Crow South. While Kanosh may very well have resisted by accommodating, for simplicity's sake I will use the term "resistant" to refer to those Indians who were generally uncompromising in their dealings with the whites.

[7] Almon W. Babbitt to Editor, *Deseret News,* December 4, 1853; Dean Chesley Robison, "A Sketch of the Life of Chief Kanosh," typescript, taken from a collection of material on the town of Kanosh, Utah Territorial Capitol Museum, Fillmore, Utah, 1; George W. Bean, conversation with church historian, Salt Lake City, Utah, February 21, 1855, in Journal History of The Church of Jesus Christ of Latter-day Saints (hereafter Journal History), February 21, 1855; George A. Smith to Editor, *The Mormon,* February 27, 1855, in Journal History; and Bean, *Autobiography,* 110. Also see Judy W. Hanson, "The Gunnison Massacre: An Objective Overview," typescript, Utah State Historical Society, 26.

[8] Anson Call, "The Journal of Anson Call: The Life and Record of Anson Call, commenced in 1839," photocopy of holograph, L. Tom Perry Special Collections, Brigham Young University, 38-46.

Because of the publicity he received for his involvement in the Gunnison Massacre, many Mormons began to look to Kanosh as a "go-between" in their affairs with the Indians. Brigham Young and other LDS church leaders began to pay him visits when passing through central Utah, consult with him on Indian affairs, and extend invitations for him to attend political gatherings. On at least one occasion, he was asked to speak to the Utah territorial legislature where he petitioned the representatives to "make good laws" that would promote harmony between his people and theirs.[9] His "go-between" status streamlined the channels of communication and negotiation among the Indians and whites of early Utah.

Beginning in 1857, Kanosh began to adopt the Mormons' clothes, religion, farming methods, laws, and lifestyle. He dressed according to the Euro-American fashion of the time, lived in a log cabin (instead of the traditional wickiup), rode in a buggy, and attended Mormon religious services.[10] Such cultural transitions were likely facilitated by his experiences with Euro-Americans as a youth while living on a Spanish mission. As a prominent Ute chief, he signed nearly every major treaty between the Indians and whites in early Utah, took numerous trips to Salt Lake City to confer with Brigham Young, traveled around the territory with Mormon apostles teaching reconciliation, and continued leading the Pahvants in many of their traditional hunting and religious activities.[11]

Kanosh's life was tragic as well as colorful. He reported to Thomas Kane that he had fathered nine children, all of whom had died in their infancy or youth.[12] He was married at least four times (he had three wives simultaneously) and his first wife, Betsykin, killed his second wife in a jealous rage. The Pahvant council, in turn, executed Betsykin for murder. After such heartache, Kanosh's final marriage was successful and long lasting. He married a Bannock Indian woman named "Sally" who had been raised in Brigham Young's home.[13] This marriage may account for much of Kanosh's propensity to live after white fashion and certainly explains part of his close relationship with President Young. In December 1881 the respected chief

[9] *Wilford Woodruff's Journal: 1833-1898, typescript*, 9 vols., Scott G. Kinney, ed., (Midvale, UT: Signature Books, 1983) 4:394-95.

[10] Thomas Callister to Brigham Young, June 13, 1877, microform of holograph, Brigham Young Collection, Church Archives, Family and Church History Department, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah (hereafter Brigham Young Collection); and Thomas Callister, "Diary: October 5, 1875-October 25, 1875," typescript, Special Collections, Brigham Young University.

[11] Edward L. Black, "Chief Kanosh and Kanosh Town," typescript, Utah Territorial Capitol Museum, Fillmore, Utah, 3. Kanosh was quite proud of his ability to sign his name to treaties rather than attaching an 'x' to the documents. Through personal exertion, he had achieved some degree of literacy, which was impressive to the politicians and journalists who witnessed the treaty signings.

[12] Elizabeth Kane, "Notes of Kanosh's Interview with Thomas Kane," Thomas L. Kane Collection, Special Collections, Brigham Young University.

[13] J. Noble Anderson, "Indian History," 2, in "Historical Excerpts about Millard County Written by Other People," Sadie Rogers, comp., Summer 1938, Daughters of the Utah Pioneers, typescript, microfilm, Utah State Historical Society; and Uintah-Ouray Ute Tribe, *A Brief History of the Ute People* (Salt Lake City: University of Utah Printing Service, 1977), 5.

Sally Kanosh.

UTAH STATE HISTORICAL SOCIETY

died of malaria in the Utah town that bears his name. At his funeral, eulogists of both cultures mourned his passing and praised him as "one of the greatest Indian peacemakers ever to have lived."[14]

Such an overview of Kanosh's life belies the complexity of his relationships with the settlers and his own people. Because the early Mormon settlers tended to classify the Indians in strictly dichotomous terms, those Utes who accepted their religion, clothing, farming, and culture were summarily classified as "good Indians," and those who resisted were viewed as "renegades" and "savages."[15] These settlers tended towards strong binary classifications for two primary reasons. First, their very identity depended on the presence of a spiritually inferior "other," and second, the Mormons' view of Indians was unique in light of their beliefs as outlined in scripture.

Historian Jan Shipps writes, "without Gentiles [non-Mormons] to stand over and against, a chosen people cannot exist; their very identity depends on their perception of their specialness, and that specialness, in turn, depends on their being separated in some way from that part of the population which is not special."[16] Mormons had previously defined themselves in opposition to the Protestants of New York, Ohio, Missouri, and Illinois, calling themselves "The House of Israel" while the Protestants were called "Gentiles." Mormons also defined themselves in their duty to carry out missionary work among Native Americans whom they saw as "fallen remnants of the House of Israel." The Book of Mormon taught that the "Lamanites," or Indians, were literally Israelites through Lehi, an ancient Hebrew patriarch, but they had fallen from their chosen status because of

[14] *Deseret Evening News,* December 12, 1881; and Leavitt Christensen, *The Birth of Kanosh* (Kanosh, UT: J-Mart Publishing Co., 1996), 115-16.

[15] John A. Ray to Brigham Young, April 25, 1855, Brigham Young Collection. See also, *Deseret Evening News,* December 12, 1881.

[16] Jan Shipps, *Mormonism: The Story of a New Religious Tradition* (Urbana: University of Illinois Press, 1985), 116.

wickedness. "And [God] had caused the cursing to come upon them, yea, even a sore cursing, because of their iniquity. For behold, they had hardened their hearts against him, that they had become like unto a flint; wherefore, as they were white, and exceedingly fair and delightsome, that they might not be enticing unto my people the Lord God did cause a skin of blackness to come upon them."[17]

In early Mormon belief, the "Indians' savagery" was evidence of this fallen state. "And because of their cursing which was upon them they did become an idle people, full of mischief and subtlety, and did seek in the wilderness for beasts of prey."[18] From this perspective, the Indians' lack of "civilization" was directly tied to their spiritual state.[19]

The settlers also interpreted such passages as having racial implications. The universal dichotomies of "light and dark" were used extensively in the Book of Mormon in describing the Lamanites' degradation. The redeemed people of God are called "white and delightsome" while the fallen are called "dark and loathsome."[20] To early Mormon settlers, the darkness of the Indians' skin was emblematic of a deeper and more universal division—the darkness of their fallen souls and lack of civilization.

"Civilizing" the Indians by converting them to Mormon ways was an integral part of the Latter-day Saints' duty and they considered their "civilization" labors divinely commissioned. For the settlers, changing the identity of Utes and other Native American bands was not merely a practical concern—it was a central component of their religious mission. Additionally, Indian conversion was tied to the millenarian expectations of Mormons; consequently, there was more at stake than Indian souls and white hegemony.[21] Hence Mormons set out to civilize Indians in four primary ways: changing their manner of dress, teaching them to farm, converting them to Mormonism, and involving them in American politics.

Changing the Utes' manner of dress was perhaps the most visible of Mormon efforts. If, as historian James H. Merrell suggests, "cut of hair, clothing and other adornments" are cultural "badges of identity" then the fact that Kanosh adopted white dress and haircuts has an important, symbolic significance.[22] To the settlers, his change was a sign of his transition from savagery to civilization, and from depravity to redemption. To Kanosh, however, the adoption of white clothing was a way to ingratiate himself into white favor by accepting their symbols. He received his first set

[17] See the Book of Mormon, 2 Nephi 5:21

[18] Ibid.

[19] John Alton Peterson, *Utah's Black Hawk War* (Salt Lake City: University of Utah Press, 1998), 4-6.

[20] See the preface to the the Book of Mormon, and the Doctrine and Covenants, Section 10:48 and Section 19:27. Also see Lawrence Coates, "A History of Indian Education Among the Mormons, 1830-1900," Ph.D. diss, 1969, Ball State University, 35, 324; and Leonard J. Arrington and Davis Bitton, *The Mormon Experience: A History of the Latter-day Saints* (New York: Vintage, 1980), 145.

[21] Doctrine and Covenants, Section 32.

[22] James H. Merrell, *Into the American Woods: Negotiators on the Pennsylvania Frontier* (New York: W. W. Norton and Company, 1999), 76.

of white clothes, which included a coat, hat, and shirt, from Thomas Callister, the local Mormon bishop in Fillmore. Kanosh immediately made these white clothes a part of his daily attire and cut his hair to match. After viewing Kanosh's white badges of identity, the settlers praised him for his change and boasted of their having converted him to "civilization."[23]

Regardless of his adoption of white dress, the fact remains that Kanosh retained much of his traditional Ute attire as well. Elizabeth Kane, a non-Mormon visitor from Pennsylvania, described him as wearing "a white flannel shirt with a black border and brass buttons—a dark uniform coat also with brass buttons scoured very bright, and an ordinary black felt hat," but he also wore distinctly Native American "buckskin leggings and moccasins."[24] Clarissa Young Spencer, a daughter of Brigham Young, remembered her father finding Kanosh wearing "shiny new, stiff boots, a heavy overcoat buttoned to his chin," but also wearing a Native American "bright red blanket."[25] He received attention for his white dress, but his retention of some traditional clothing says something about his desire to compromise instead of assimilate. The settlers overlooked his hybrid dress, remaining content that his white clothing, even if not complete, was a sign he had left his "savagery" behind.

Certain Utes, however, saw Kanosh's position as a form of betrayal.[26] Tabby, a Ute leader in mid-eastern Utah, chided Kanosh for his new clothes and accused him of cowardice. He said that Kanosh had submitted in the face of adversity instead of fighting for the preservation of his lands and culture.[27] These two positions with regard to clothing represent the major Ute responses to whites as a whole. While many Utes, like Tabby, saw absolute resistance to change as the way to preserve their identity; others, like Kanosh, hoped to accomplish the same through compromising and thus obtaining the settlers' approval.

Kanosh's position did gain the favor he had hoped for and he used this position to his advantage. He unabashedly asked the Latter-day Saints for gifts such as rifles, horses, and farming implements—these were granted almost without exception.[28] Tabby, in contrast, received virtually nothing from the whites and was confined to a reservation as a dangerous renegade.

[23] F. H. Head to N. G. Taylor, August 22, 1867, in *Annual Report of the Commissioner of Indian Affairs for the year 1867,* (Washington D.C.: Government Printing Office, 1867), 175.

[24] Kane, "Notes of Kanosh's Interview," 5.

[25] Clarissa Young Spencer, *Brigham Young at Home* (Salt Lake City: The Deseret News Press, 1947), 119.

[26] Anderson, "Indian History," 3, in Rogers, comp., "Historical Excerpts." Almon W. Babbit to Editor, *Deseret News,* December 4, 1853; see *Millard County Chronicle,* March 3, 1879, Daughters of Utah Pioneers Museum, Kanosh, Utah; Uintah-Ouray Ute Tribe, *A Brief History,* 3, 24; and Dimick Huntington to Church Historian, September 1, 1856, in Journal History, September 1, 1856, 2; F. H. Head to N. G. Taylor, August 22, 1867, in *Annual Report* 1867, 175; D. N. Cooley to O. H. Browning, October 22, 1866, in *Annual Report* 1866, 31.

[27] Tabby, Ute Chief, to Kanosh, April 29, 1867, microform of holograph, Brigham Young Collection.

[28] Kanosh to Brigham Young, December 13, 1868, Brigham Young Collection, and Thomas Callister to George A. Smith, May 13, 1866, holograph, George Albert Smith collection, LDS Church Archives-Library.

In a romanticized sense, Kanosh's position may seem less heroic than Tabby's, but it worked to gain numerous benefits for his band that will be explored more fully later.

While donning Euro-American clothing was a symbolic adoption of whiteness, converting Indians to Mormonism was even more central to the Latter-day Saints' purposes. Mormon missions to Indians are as old as the religion itself; indeed, the first LDS missionary efforts were directed to the Catteraugus Indians of Buffalo, New York.[29] It is not surprising, then, that immediately upon their arrival in the Great Basin, Mormons established formal, institutional missions among the Utes.[30] As in other faith-based communities, Mormon space was organized according to religious function; consequently, the Indians' spatial change from open, fluid Indian villages to structured, partitioned Indian farms symbolized and contributed to the commensurate change of identity.[31]

In Mormon belief, baptism by an authorized LDS priesthood holder is the gateway to redemption, membership in the church, and entrance into the celestial kingdom (heaven). The goal of the Pahvant mission was to convince as many Indians as possible to be baptized so that they could participate in the blessings of redemption. Scores of Pahvants were baptized during the mission's first year of existence and Mormons considered the enterprise successful.

A number of factors contributed to the ready conversion of Kanosh's band. The Ute perception of religion was flexible and eclectic and an embrace of new religious concepts and practices did not necessarily exclude the old.[32] Furthermore, three significant congruities between the two peoples made the transition easier still. First, both the Utes and Mormons accepted polygamy. Kanosh pointed out the connection: "Brigham [Young]'s got five wives, Indians got two, mericans [non-Mormons] don't want but one."[33] Second, both believed in a personal connection to the divine—Mormons had their prophets, seers, and revelators, the Utes had a corollary in their shamans and medicine men.[34] Third, Utes widely eschewed private ownership of property, and Mormons (in belief if not always in practice) also accepted a form of communal

[29] See Doctrine and Covenants, Section 32. Missionary efforts to the Indians were a priority for Joseph Smith and other early leaders of the Mormon church because of teachings about the Indians in the Book of Mormon. However, these Mormon efforts among the Indians followed a long tradition of missionary work among the native people that began two centuries earlier with the first English and European settlers of New England.

[30] Arrington and Davis, *Mormon Experience,* 146.

[31] John McGreevy examines the relationship between Catholic religious space and African-American identity in *Parish Boundaries: The Catholic Encounter with Race in the Twentieth-Century Urban North* (Chicago: University of Chicago Press, 1996), 15-29.

[32] Uintah-Ouray Ute Tribe, *A Brief History,* 3, 24; and Anderson, "Indian History," 3.

[33] Kane, "Interview with Kanosh," 9.

[34] Dimick B. Huntington to Church Historian, September 1, 1856, in Journal History, September 1, 1856; and Carlton Culmsee, *Utah's Black Hawk War: Lore and Reminiscences of Participants* (Logan: Utah State University Press, 1973), 67.

economics.[35] "Is the land the Mormons', the Pi-utes', the Navajos', the Spanishs' [sic]?" Kanosh asked rhetorically. "No, [the land is] God's. God made the fire and the sticks and everything for us and for you, for all good men."[36] These three cultural/religious similarities undoubtedly contributed to the Pahvants' acceptance of Mormonism.

Kanosh could also have been a factor in the widespread Mormon conversion among his band. Local Mormon settlers recall that he sometimes called meetings at which he would teach the Pahvants that the Book of Mormon was a record of their ancestors and that they, like their progenitors, would be blessed if they adhered to the commandments of "Shenob" (God).[37] After such meetings, many Pahvants accepted baptism. According to one church record, "Bishop Culbert King baptized eighty-five Indians…of which Kanosh was chief." Kanosh spoke on the occasion "at length with much earnestness, exhorting his followers to industry and good works."[38] Kanosh might have felt that effective compromise required more than just his own personal involvement in the Latter-day Saint religion.

Mormonism became a visible part of Kanosh's life after he accepted the faith. He conspicuously attended weekly Latter-day Saint religious services, obeyed aspects of the Mormon health code, and said daily prayers after the Mormon fashion.[39] More significant was Kanosh's participation in Mormon "ordinances"—the required rituals to gain exaltation in the Kingdom of God. For Mormon males, these rituals consisted of baptism, ordination to the priesthood, and being "sealed" in the temple to one's spouse for "time and all eternity."[40] Kanosh received each of these ordinances in turn and was "sealed" to his Bannock wife Sally in Salt Lake City by President Brigham Young himself.[41] He was clearly immersed in Mormon religious discourse until the end of his life, referring to himself as a "friend and brother in the gospel" to his Latter-day Saint friends and speaking at their meetings and funerals.[42]

[35] Personal interview with McKay Pikyavits, Kanosh Indian Reservation, June 8, 2001. McKay Pikyavits is the last official "Chief" of the Kanosh band of Ute/Paiute Indians. Also see Kane, "Interview with Kanosh," 9; *Millennial Star,* June 16, 1865; and Dimick B. Huntington to Church Historian, September 1, 1856, in Journal History, September 1, 1856. For Mormon communitarian beliefs, see Doctrine and Covenants Sections 42, 82, and 85.

[36] Kane, "Interview with Kanosh," 9.

[37] Black, "Kanosh Indian," 2; and *Deseret Evening News,* January 7, 1876.

[38] B.H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints: Century I,* 6 Vols., (Provo: Brigham Young University Press, 1965), 5: 164.

[39] *Millard County Chronicle,* March 3, 1889, Daughters of Utah Pioneers Museum, Kanosh Utah; Stella H. Day, Sabrina C. Ekins, Josephine B. Walker, eds., *Millard Milestones: A Century of History of Millard County, 1851-1951* (Springville: Art City Publishing Co., 1951), 346; E.L. Black, "Chief Kanosh and Kanosh Town," typescript, Utah Territorial Capitol Museum, Fillmore, Utah, 2; and *Deseret Evening News,* August 27, 1881.

[40] Doctrine and Covenants Sections 131 and 132.

[41] LDS Church Historians Record, Journal History, May 11, 1874; and Edward L. Black, "Kanosh Indian," typescript, Utah Territorial Capitol Museum, Fillmore, Utah, 3.

[42] Kanosh to Brigham Young, December 13, 1868, microform of holograph, Brigham Young Collection; and Thomas Callister, "Diary: October 5, 1875-October 25, 1875," typescript, Special Collections, Brigham Young University.

UTAH STATE HISTORICAL SOCIETY

Chief Kanosh Headstone in the Kanosh town cemetery with the mouth of Kanosh Canyon visible in the background.

In spite of his deliberate acceptance of Mormonism, Kanosh continued his participation in many traditional Ute religious rituals. Shamanism, Bear Dances, ritual hunts, and other aspects of Native American religion were a major part of his life until the end. Like slave religion in the antebellum south, Kanosh succeeded in adapting his religion to the needs of a new situation.[43] Thus, he was able to maintain much of his Ute cultural tradition while still preserving his status as a "good Indian" with the whites. This was important, as the settlers required that Kanosh adopt their religion in order to accept him fully, but his status among the Indians required that he retain his native culture.[44]

Related to the promulgation of Mormon religion was the extension of farming among the Utes. The Book of Mormon suggests a connection between an agricultural people and a redeemed people, while a hunting lifestyle indicates degradation.[45] Teaching the Utes to farm was not only part of the settlers' plan to redeem them, it was also pragmatic. The Mormons considered farm implementation "the most economical" way to feed the Utes, prohibit raids, and "a necessary…step towards their civilization."[46] Accordingly, the settlers established a system of formal "Indian Farms," in which they designated lands specifically for the Indians to cultivate and provided farming capital with which to work it.[47]

[43] See Albert Raboteau, *Slave Religion: The Invisible Institution in the Antebellum South* (New York: Oxford University Press, 1980).

[44] Thomas Callister to George A. Smith, May 13, 1866, holograph, George Albert Smith Collection; and Christensen, *Birth of Kanosh,* 34.

[45] See the Book of Mormon, Mosiah 6:7, Enos 1:20, and 1 Nephi 18:24.

[46] F. H. Head to N. G. Taylor, August 22, 1867, in *Annual Report,* 174; Coates, "Indian Education," 116; and William T. Hagan, *American Indians* (Chicago: University of Illinois Press, 1993), 4.

[47] Similar institutions were implemented among the Omaha Indians with the "Allotment" program of the 1880s. See Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920* (Lincoln: University of Nebraska Press, 1984), 26.

A primarily agricultural livelihood, however, distanced the Pahvant Utes from an integral part of their identity. For the Utes, hunting was more than a way to procure food; it was a sacred ritual that tied them to the land and their holistic view of the cosmos.[48] The symbiotic elements of hunting reaffirmed their position as a part of the divine system of nature. By dedicating their time to farming instead of hunting, the Pahvants were forced into Euro-American roles at the expense of their traditional roles as hunters. Systematic division and domination of land alienated the Pahvants from their more integral vocation in which they operated as a *part* of the natural system rather than gaining dominion *over* it. Thus, the Indian farms became effective instruments to subdue both the Native Americans and their lands.[49]

In spite of these identity altering effects, Kanosh welcomed the Indian farm among his band and even petitioned for its growth by asking for seeds, tools, and experts to teach farming methods.[50] The whites recounted that he admonished his people to work on the Indian farm and "provided a good example" of how a "civilized" farming Indian should behave.[51] Furthermore, John Ray, a Fillmore citizen who occasionally penned letters to Brigham Young in Kanosh's behalf, wrote:

> [Kanosh] requested me to write you stating that he would like to have about two white men go to Corn Creek and stay with them and direct them how to work. He also desires one wagon, a few plows, spades and one or two yokes of oxen; stating that they would all do their own work and says that they all desire to have a farm and quit rambling. I believe that they would take hold and work and with such arrangements prosper and in a year or two be able to sustain themselves.[52]

While such statements are clearly refracted through the mind and language of a white scribe who is eager to portray Kanosh as one willing to "thirstily absorb white knowledge," they may contain a kernel of truth.[53] Kanosh's seemingly unreserved acceptance of the farms may be explained by his own previous experiences in farming on the Spanish mission where he grew up. Furthermore, Pahvant oral tradition as well as settler journals report that he had implemented farming along Corn Creek long before

[48] The Mormon settlers, of course, hunted as a means of subsistence; however, they viewed a livelihood dominated by hunting as inferior to a primarily agricultural one. The Ute view was the exact opposite. A hunting lifestyle was one of harmony with nature and, therefore (in the pantheistic Ute religion), with God. McKay Pikyavits, interview with author, July 7, 2001, Kanosh Indian Reservation, Kanosh, Utah.

[49] A parallel impulse was at work among early Pennsylvania frontiersman who viewed the woods as a dark "other" requiring elimination through uncovering and controlling. Merrell, *American Woods,* 26–27.

[50] Jacob Forney to C. E. Mix, September 6, 1858, in *Annual Report 1858,* 212; and Kanosh to Brigham Young, December 13, 1868, microform of holograph, Brigham Young Collection. The Mormons expended considerable resources to establish these farms. In a sense, they "bought" the Indians' identity from them. Kanosh, as a rational agent, willingly sold a portion of his identity to the Mormons as a tactic of compromise.

[51] Anson Call to Church Historian, May 29, 1855, in Journal History, May 29, 1855.

[52] John A. Ray to Brigham Young, February 16, 1854, microform of holograph, Brigham Young Collection.

[53] Anderson, "Indian History," 3.

UTAH STATE HISTORICAL SOCIETY

The mountains east of the Kanosh Indian Reservation.

the Mormons came in 1851.[54]

With Kanosh leading the way, the majority of the Pahvants also accepted farming and became adept at it. Kanosh would often take his Indians into the field and there "show them how to farm, talking with them about the benefits to be derived from raising their own grain and living like the whites."[55] Government agents wrote that the Pahvants "manifest a commendable desire to change their mode of life" and become "tillers of the soil," and "a good example is furnished by 'Kanosh.'"[56]

Since agriculture was a part of their livelihood before the Mormons arrived, one may conclude that the Pahvants' acceptance of farming was as much pragmatic as conciliatory. The Latter-day Saints were offering seed, tools, and education and Kanosh may have seen this as a way to increase his band's agricultural output. Through Kanosh's leadership and the aid of the Mormons the Pahvants raised approximately "several hundred bushels of wheat, corn, and potatoes" during each year of the farm's operation.[57] Such efficiency could not have been achieved if Kanosh had not been at least minimally committed to farming for practical rather than entirely conciliatory reasons.

Although he farmed effectively, Kanosh did not relinquish the important hunting aspect of his Ute culture. Kanosh and the Pahvants continued to hunt routinely, but did so less frequently and, as a result, avoided the settlers' disapprobation.[58] "Kanosh, the head Pahvant chief, is outdoing all

[54] McKay Pikyavits, the last official "chief" of the Kanosh Indians, interview with author, July 7, 2001, Kanosh Indian Reservation, Kanosh, Utah; George Washington Bean, *Autobiography of George Washington Bean, A Utah Pioneer of 1847, and His Family Records* (Salt Lake City: Salt Lake City Printing Co., 1945), 70; Frank Beckwith, "Indian Joe: In Person and in Background," typescript, Utah State Historical Society; and Anson Call to Church Historian, May 29, 1855, in Journal History, October 25, 1851. The Mormons actually named the creek the Pahvants lived on "Corn Creek" because of the cultivated stalks of corn they found growing there.

[55] Samuel F. Atwood to Editor, *Deseret News* June 1, 1856.

[56] Charles E. Mix to O. H. Browning, November 15, 1867, in *Annual Report 1867*, 11.

[57] Henry Martin to William P. Dole, October 1, 1861, in *Annual Report 1861,* 137; and F. H. Head to D. N. Cooley, September 20, 1866, in *Annual Report 1866,* 124.

[58] Garland Hurt to Brigham Young, September 30, 1855, in *Annual Report 1855,* 200; Thomas Callister to George A. Smith, May 13, 1866, George Albert Smith Collection; and Thomas Callister to Brigham Young, August 18, 1874, microform of holograph, Brigham Young Collection.

other Indians in the mountains in civilization," said Dimick Huntington, a prominent Mormon scout.[59] In the Latter-day Saints' view, the Pahvants were not consciously compromising part of their lifestyle; they were simply becoming "civilized."[60]

The settlers spoke highly of Kanosh as a farmer, but they best remembered him as one favorably involved in white politics. Not only did he sign treaties and speak to the white governing bodies, he also was selected as a member of an Indian delegation to visit the President in Washington D.C.[61] Kanosh often accompanied Brigham Young on diplomatic trips to outlying Mormon settlements, and spoke to the Indians of the area while President Young addressed the Latter-day Saints.[62]

His seeming compliance in political matters earned Kanosh a reputation as a peacemaker among the common LDS settlers. He appeared to submit to many white laws and encourage his band to do the same. Typical Mormon accounts of the two major Indian wars of early Utah—the Walker War (1853) and the Black Hawk War (1865)—describe Kanosh as decidedly pro-settler in both conflagrations. They report that at the outbreak of the Black Hawk War, he refused Chief Black Hawk's invitation to join, saying he knew the Mormons' "hearts to be good."[63] Others said "he was the greatest Indian peacemaker in Pioneer days," and recount that on various occasions he warned the settlers at Fillmore of possible attacks by Black Hawk's raiders, sent diplomats to other bands, asking them not to join in the "rebellion," and kept the Pahvants calm when they felt violence against the whites was justified.[64] During the Walker War, he denounced its instigator, "Chief Walker," and assisted in the capture of "warring Indians."[65]

Again, such accounts, lopsided as they are, cram Kanosh into the "good Indian" side of the settlers' binary outlook, but he was not so easily classifiable. The settlers arrested and tried Indians for murder, punished those accused of stealing, regulated their economic trade and, of course, created treaties that were often mere excuses to appropriate Indian land. For these

[59] Dimick Huntington to Church Historian, September 1, 1856, in Journal History, September 1, 1856, 2.

[60] Coates, "Indian Education," 102.

[61] Call, "Journal," 45; Bean, *Autobiography,* 70; Almon W. Babbitt to Editor, *Deseret News,* December 4, 1853; and William Clayton, *An Intimate Chronicle: The Journals of William Clayton,* George D. Smith, ed. (Salt Lake City: Signature Books in association with Smith Research Associates, 1995), 408; *Wilford Woodruff's Journal,* 4:394-95; Peter Gottfredson, *Indian Depredations in Utah,* (Salt Lake City: Private printing, Merlin G. Christensen, 1969), 314; and B. H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints: Century I,* 6 vols. (Provo: Brigham Young University Press, 1965), 5:162.

[62] Anson Call to Church Historian, May 29, 1855 in Journal History, May 29, 1855; Record of Church Historian, in Journal History, May 23, 1855; George A. Smith to Editor, *Millennial Star,* March 1, 1856; and "History of Brigham Young: 1855," in Journal History, May 27, 1855. Such trips may have promoted the Ute oral tradition and helped unify their collective memory.

[63] Anderson, "Indian History," 4.

[64] Ellen George Bird, "Indian Chief Kanosh," microform of holograph, Special Collections Brigham Young University, 2.

[65] John D. Lee to Brigham Young, June 6, 1858, microform of holograph, Brigham Young Collection; Bean, *Autobiography,* 161; F. H. Head to D. N. Cooley, June 21, 1866, in *Annual Report, 1866,* 129; Brigham Young to Kanosh, June 11, 1866, microform of holograph, Brigham Young Collection.

reasons he felt the Indian wars were somewhat justified. The records kept by those who were actually involved in the Indian wars (unlike the records of mainstream settlers) reveal a more intricate man who often pushed the boundaries of white political order. During the Black Hawk War he periodically harbored "renegade" Indians from white authorities and abetted the resistance in other ways.[66] When his fellow Ute leader and friend, Sanpitch, was arrested and jailed for "rebellion," Kanosh protested vigorously and even led a plot to free him.[67] After the Gunnison Massacre (considered part of the Walker War), he helped white authorities recover the bodies and instruments of the slain, but refused to deliver up the guilty Indians for trial.[68] Although he often acted otherwise, he, like other Utes, felt that white law did not have a legitimate claim to judge members of his nation. "[The Mormons] punished their men and he would punish his," he said.[69] Instead of the Gunnison killers, he delivered up old, decrepit members of his band as tokens to placate white law. By nominally assisting in the murder investigation and even testifying at the trial, he satisfied the whites involved while still maintaining some of his band's legal autonomy. In politics, as in farming, religion, and dress, he maintained a complex position of compromise between loyalty to his Ute background, and currying favor with the Mormons.

The middle ground Kanosh walked in the Indian wars proved to be a difficult position to maintain and many on both sides of the conflict denounced his actions. His fellow Ute leaders berated him for his seeming submission to white power while Mormon military leaders attacked him for his recalcitrance. Black Hawk, for example, criticized him as a traitor to his race for inaction during the conflict of 1865, while Mormon leaders accused him of behaving in a "sneaking way," becoming "disaffected" from his white friends and assisting "raiding parties."[70] Even his friend Brigham Young once condemned him for "duplicity."[71]

Mormons who observed Kanosh in the Indian wars were privy to his more complex side, but mainstream LDS settlers continued to praise him simply as a "good Indian"—a paragon of what their civilization efforts could accomplish. They called him "one of the most intelligent Indians

[66] Thomas Callister to Brigham Young, October 22, 1865, microform of holograph, Brigham Young Collection; and Thomas Callister to George A. Smith, May 13, 1866, holograph, George Albert Smith Collection.

[67] Thomas Callister to Brigham Young, March 25, 1866, microform of holograph, Brigham Young Collection.

[68] George W. Bean, conversation with church historian, Salt Lake City, Utah, February 21, 1855, in Journal History February 21, 1855; George A. Smith to Editor, *The Mormon,* February 27, 1855; Eugene E. Campbell, *Establishing Zion: The Mormon Church in the American West, 1847-1869,* (Salt Lake City: Signature Books, 1988), 110.

[69] Call, "Journal," 44.

[70] John A. Ray to Brigham Young, April 17, 1855, microform of holograph, Brigham Young Collection; and Peterson, *Utah's Black Hawk War,* 236.

[71] Thomas Callister to Brigham Young, October 22, 1865, microform of holograph, Brigham Young Collection.

Near the mouth of Kanosh Canyon.

UTAH STATE HISTORICAL SOCIETY

who ever lived," and said he possessed "an excellent mind and reasoning power."[72] Government agents also commented that he was "a man of progressive ideas," was "one of the most thoroughly reliable Indians of the territory," and "was truly one of the most splendid types of American Indian that ever lived."[73] The settlers of Petersburg, Utah even changed the name of their town to "Kanosh" in his honor.[74] When the Bureau of Indian Affairs gave medals to Indians who had made advances in civilization, Kanosh was an easy choice.[75] Perhaps no other Indian leader in Utah history was praised so warmly by the settlers who knew him, and his prominence among the Utes is a testament to the respect his own people had for him as well.[76]

Such encomia may appear very generous, but these accolades reveal the settlers' propensity for dichotomous categorization and dramatic retrospect. Mormon discourse about Native Americans structured their perception and memory so that each Indian fit a distinct categorization of "civilized" (redeemed and white) or "savage" (fallen and dark). Kanosh occupied a space between the settlers' binary categorizations, but they still cursorily categorized him as a "good, civilized Indian."[77] Such a view was partly self-serving—his adoption of their white lifestyle signified a triumph of their

[72] E.L. Black, "Chief Kanosh and Kanosh Town," typescript, Utah Territorial Capitol Museum, Fillmore, Utah, 2; J. Noble Anderson, "Indian History," 8.

[73] Charles E. Mix to O.H. Browning, November 15, 1867, in *Annual Report of the Commissioner of Indian Affairs for the Year 1867*, (Washington D.C.: Government Printing Office, 1867), 11; F. H. Head to D. N. Cooley, August 13, 1866, in *Annual Report* 1866, 129; and F. H. Head to D. N. Cooley, September 20, 1866, in *Annual Report* 1866, 124; Anderson, "Indian History," 8.

[74] The town of Kanosh lies in the middle of the state, about fifteen miles south of Fillmore on I-15. Plaques, buildings, and monuments honoring Kanosh and Sally are visible throughout the hamlet. Naming Mormon settlements after local prominent Indians or bands was not uncommon at the time. Tabiona, Blackfoot, and Shivwits, for example, are other early Mormon settlements given Native American names.

[75] F. H. Head to D. N. Cooley, August 13, 1866, in *Annual Report 1866,* 128.

[76] More of this kind of encomium for Kanosh can be found in the following sources: Samuel F. Atwood to Editor, *Deseret News* June 1, 1856; Stella H. Day, Sabrina C. Ekins, and Josephine B. Walker, eds., *Millard Milestones: A Century of History of Millard County 1851-1951,* (Springville: Art City Publishing Co., 1951), 346; Frank Beckwith, "Indian Joe in Person and in Background," typescript, Utah State Historical Society, 31; Anderson, "Indian History," 2; and George Washington Bean, *Autobiography of George Washington Bean, a Utah Pioneer of 1847, and His Family Records,* (Salt Lake City: Salt Lake City Printing Co., 1945), 70-71.

[77] Jacob Hamblin, "Journals and Letters of Jacob Hamblin," typescript, Special Collections Brigham Young University, 46; *Deseret News,* June 21, 1865.

[78] O.H. Irish to D.N. Cooley, September 9, 1865, in *Annual Report 1865,* 145.

redemptive efforts.[78] Their conversion of an Indian to civilization was a sign of the redemption of Israel, which was, in turn, a sign of their success in their calling as God's chosen people. They needed to see Kanosh as an idealized product of their exertions because their religious faithfulness depended upon it. They also gave "good Indians" official awards that served as disciplinary tools and gave the Indians notions of progress within the system in order to mitigate the possibility of rebellion outside of it.[79] Yet Kanosh's ability to retain much of his culture through compromise stayed a step ahead of these efforts.

While the advantages Kanosh gained from his position are difficult to assess, it is probably not coincidental that his band was better treated by the settlers and government officials of Utah.[80] Lyman S. Wood, an Indian agent, was impressed enough with Kanosh to write to his superior of the Pahvants, "If any Indians are entitled to and merit the aid of the government, they are these."[81] Such a statement aptly sums up the feelings of many whites in Utah and gives a clue as to why the settlers favored the Pahvants among all Ute bands. Thanks to Kanosh's middle ground, he personally became one of the wealthiest Indians in the territory and his band was given food, supplies, tools, and money far beyond what was normally apportioned to Utes.[82]

Kanosh's favor with the whites also enabled his band to retain their ancestral lands on Corn Creek. The infamous Treaty of Removal of 1865 stipulated that all Utes be removed to an apportioned reservation in mid-eastern Utah and relinquish title to their traditional lands.[83] When faced with this, Kanosh spoke persuasively, saying, "His band did not want to sell their lands and go away; instead they wanted to live round the graves of their fathers."[84] The white negotiators' (including Brigham Young's) regard for Kanosh as a "good Indian" was likely a factor in their consenting to this

[79] F. H. Head to D. N. Cooley, August 13, 1866, in *Annual Report 1866,* 128. This practice of awarding medals to submissive members of the marginalized race is similar to that practiced by nineteenth century Brazilian slave masters. See Matt D. Childs, "Master-Slave Rituals of Power at a Gold Mine in Nineteenth-Century Brazil," *History Workshop Journal* 53 (Spring 2002): 43-72. Slaves were reinforced in the submission to the power by giving pittance progression within the power structure. "Good conduct criteria" were established among Brazilian slaves in the nineteenth century with medals.

[80] A. P. Usher to J. W. Powell, June 26, 1873, in *Annual Report 1873,* 57.

[81] Henry Martin to William P. Dole, October 1, 1861, in *Annual Report 1861,* 137.

[82] His wealth is hinted at in records that mention his extensive assests, such as dozens of horses and a wagon full of possessions. See, for example, F. H. Head to D. N. Cooley, June 21, 1866 in *Annual Report* 1866, 130; and Peter Robison to Brigham Young, July 8, 1866, microform of holograph, Brigham Young Collection; Thomas Callister to Brigham Young, March 25, 1866, microform of holograph, Brigham Young Collection; Kanosh to Brigham Young December 13, 1868, microform of holograph, Brigham Young Collection; Thomas Callister to George A. Smith, April 23, 1866, microform of holograph, George Albert Smith Collection.

[83] Merrell, *American Woods,* 282.

[84] E. L. Sloan to Editor, *Deseret News,* June 7, 1865, in Journal History, June 7, 1865; *The Latter-day Saints' Millennial Star,* June 16, 1865; Roberts, *Comprehensive History,* 5:147; E. L. Sloan, "Official Report of Meeting with the Indians, June 7, 1865," *Deseret News,* June 7, 1865; and Peterson, *Black Hawk War,* 151.

request.[85] While most other Utes were indiscriminately carted away from their lands, the Pahvants endured as a coherent entity on Corn Creek. There they retained their central values, traditions, and institutions that gave them the distinctive identity that they still retain on those same lands today.[86]

In summary, Kanosh's band persisted because he adapted to the presence of the settlers instead of resisting the changes this presence implied. Though the Mormons of his time called his compromise "redemption," and current scholars may call it "selling out," it was more likely astute foresight and polity. Kanosh felt that he could best serve his people by compromising to retain some tradition, ritual, culture, and collective memory. The settlers' assessment that he was a highly intelligent individual is correct, but his mental powers were not manifest in how much he accepted of Mormon culture. Kanosh's intelligence lay in his ability to judiciously weigh the costs and benefits of accepting aspects of whiteness and act accordingly. In assessing the difficulties of resistance and acting as he did, Kanosh achieved short-term material advantages and the persistence of much of the Pahvants' threatened identity. In this respect he was, on the whole, quite successful.

[85] Iron Bull of the Crow Nation lived a parallel life to Kanosh and possessed many of the same skills in compromise and negotiation in the face of removal. See Hoxie, *Final Promise,* 120.

[86] McKay Pikyavits, interview with author, Kanosh Indian Reservation, July 7, 2001; Gerry Pikyavits, member of the Kanosh band of Indians, Interview with author, Kanosh Indian Reservation, June 8, 2001; and Tamara Rodriguez, member of the Kanosh band of Indians, Interview with author, Kanosh Indian Reservation, July 7, 2001.

Mark Twain v. John Caine, et al: A Utah Territorial Case of Copyright Enforcement

By STEVEN L. STAKER

COURTESY THE MARK TWAIN HOUSE, HARTFORD, CT

John T. Raymond and Mark Twain (right), January 11, 1875.

On August 11, 1876, John T. Raymond took the stage at the Salt Lake Theatre to play his most famous role as an actor. He was greeted by a large audience of enthusiastic patrons and his comic performance frequently moved them to convulsions of laughter. In two days he made three appearances in the title role of "Col. Mulberry Sellers," a drama based upon Mark Twain's first novel, *The Gilded Age*. *The Daily Tribune* called the work "a piece of as fine high comedy as was ever put upon the Salt Lake or any other stage…the performance at the theater…was the most entertaining that has been placed upon the boards here for many months."[1]

Raymond made several trips to Utah to perform various dramatic works in the Salt Lake Theatre, both before and after this visit.

Steven L. Staker is a member of the State Bar of California and a former federal prosecutor. Special thanks are due to the Utah State Archives; Special Collections, J. Willard Marriott Library (University of Utah); L. Tom Perry Special Collections, Harold B. Lee Library (Brigham Young University); and The Bancroft Library (University of California at Berkeley) for assistance in preparation of this article. A prior draft was presented at the annual meeting of the Utah State Historical Society on August 16, 2002. Thanks are due to Mark L. Staker and Colleen Staker for comments on that previous draft.

[1] *The [Salt Lake] Daily Tribune*, August 12, 1876. The report of the audience reaction comes from *Salt Lake Daily Herald*, August 12, 1876. John T. Raymond was the stage name of the comic actor, John O'Brien. R. Kent Rasmussen, *Mark Twain A to Z: The Essential Reference to His Life and Writings* (New York, Facts on File, 1995), 387.

However, this particular performance of Mark Twain's drama was especially anticipated because of events that took place on the same stage a year and a half earlier. At that time, Mark Twain availed himself of the provisions of the copyright law of 1870 and sought an injunction from the federal court in Salt Lake City to enforce his copyright and ensure the future success of his play.[2]

The coming of the railroad in 1869 spawned the growth of mining in Utah. The resultant increase in wealth and various civil disputes occasioned by mining brought a number of lawyers to Utah from other parts of the country motivated to cash in on the economic development and influx of new residents. Most of the civil litigation filed in the federal court in Salt Lake City (Third District) during the 1870s involved collection of debts, as well as real property and contract cases. Sometimes an unusual dispute would present itself, and this article is about such a case.[3]

Prior to 1870 authors were required to file a copyright petition with the local federal district court in order to secure the legal protections offered by the United States Copyright Law of 1831. Copyright protection lasted for twenty-eight years, with an option to renew for an additional fourteen years. The copyright law enacted by Congress on July 8, 1870, changed the place of filing and required authors to register their copyrights with the Library of Congress. Nevertheless, copyright filings in Utah continued to be submitted to and accepted by the Third District Court up until 1879. Most of the copyright petitions that have been preserved in the files of the Third District were registrations of dramas. However, the petitions included other written compositions that varied from "Directions for Using Humbug Oil" to a label from the Walker Brothers for bourbon whiskey.[4]

The 1870 copyright law passed by Congress was also a response to a growing belief in America that some authors were being damaged by unauthorized new uses of their works and that more creative works should be protected by copyright. Many writers had composed dramatic works based on Harriet Beecher Stowe's *Uncle Tom's Cabin* and successfully

[2] The official case jacket for this file at the Utah State Archives lists the case title as *3d District Court, No. 1785 Samuel L. Clemens (Mark Twain) vs. John T. Caine et al.,* The other defendants were Hiram B. Clawson and Willie Gill.

[3] Members of The Church of Jesus Christ of Latter-day Saints often, although certainly not exclusively, used the probate courts and church courts to resolve disputes among themselves. Leonard J. Arrington, *Great Basin Kingdom* (Salt Lake City: University of Utah Press, 1993), 53-54.

[4] Three plays, written by Captain John Martin and registered with the Third District Court, were composed especially for actors on the stage of the Salt Lake Theatre: *Virtue vs. Vice* (written for Jean Clara Walters), *Outwitted; or, Factory Scenes* (written for Phil Margetts), and *Chicanery* (written for Logan Paul). Edward Tullidge also registered two plays, and five other authors each registered a single play. Several books and maps, as well as a drawing, were also registered with the Third District Court. *Copyright Petitions; 1870-1875, 1879*; Series 82994, Utah State Archives. The 1870 law required transfer of copyright records to the Librarian of Congress. The failure to transfer these petitions to Washington, D.C., is perhaps a reflection of the informal way that the Third District Court handled copyright matters and because of the distance from the Library of Congress. The Utah State Archives description of these documents observes that it is unknown whether some of the petitions are missing.

UTAH STATE HISTORICAL SOCIETY

Salt Lake Theatre, sometimes called "Cathedral of the Desert" dedicated March 1862, seating capacity 1,500. For many years Utah's primary performance hall for theatricals. Located on the corner of First South and State Street.

performed them, without compensating her. Others had translated her work into various languages. Stowe sued one German translator in court, but lost because the existing copyright law did not protect translations. Dramatizations were also not expressly mentioned in the copyright law. The 1870 revision of the copyright act was an attempt by Congress to rectify this perceived inequity and expand the list of creative works that could be copyrighted to specifically include dramatizations. It went further and also included paintings, drawings, and sculpture for the first time. Samuel L. Clemens knew about these legal developments and attempted to use the new law to protect his own rights in the written works he was producing.[5]

After the success of *Roughing It*, with its hilarious travelogue about the West in 1861 and its tongue-in-cheek spoofs on Utah and the Mormons, Clemens ("Mark Twain") undertook to write his first novel. It was a collaboration with his Hartford neighbor, Charles Dudley Warner, that some thought to be wholly the work of Warner. These critics believed that the publisher attached Twain's name for purely commercial purposes. However, they were wrong.[6]

In his biography of Mark Twain, Albert Bigelow Paine writes that the idea for the novel began after a conversation at the dinner table between Mr. and Mrs. Warner and Mr. and Mrs. Clemens. As the story goes, the two men were criticizing the modern novel, when their wives challenged them to write a better one. The men took up the challenge and began to elaborate the story that became *The Gilded Age: A Tale of To-day*. Mark Twain used his own family history as a takeoff point for the story and created characters based upon his own acquaintances. Charles Dudley Warner

[5] For a discussion of the background of the 1870 copyright revisions, see Edward Samuels, *The Illustrated Story of Copyright* (New York: St. Martin's Press, 2000), 139-40. See also Siva Vaidhyanathan, *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity* (New York: New York University Press, 2001), where chapter 2 contains a review of Mark Twain's relationship with the copyright laws.

[6] Mark Twain to Dr. John Brown, February 28, 1874, *Mark Twain's Letters,* 2 vols. edited by Albert Bigelow Paine, (New York: Harper & Brothers, 1917), I:214.

contributed other characters to the story, as well as his own experiences as a lawyer and railroad surveyor that helped describe some key elements in the plot.[7]

Twain wrote to a friend in 1874 that he had authored 32 of the 63 chapters of the novel, as well as "part of 3 others beside."[8] So the division of labor between Twain and Warner was nearly equal. Twain described the process with characteristic humor: "During the last two months my next-door neighbor, Chas. Dudley Warner, has dropped his *Back-Log Studies* and he and I have written a bulky novel in partnership. He has worked up the fiction and I have hurled in the facts. I consider it one of the most astonishing novels that ever was written. Night after night I sit up reading it over and over again and crying."[9] The novel has been described as "both a melodramatic saga of a midwestern family nearly destroyed by its faith in illusory wealth and a fierce Satire about post-Civil War America."[10] It attacked corruption in Congress, and soon after its publication in 1873 became a best seller. Twain wrote that its sales in a two-month period were greater than any previous book in American history, except perhaps some cheaper editions of Harriet Beecher Stowe's *Uncle Tom's Cabin*. Today, however, *The Gilded Age* is known primarily as the book that lent its title to name a period of American history. The recently released Oxford Mark Twain edition of *The Gilded Age* introduces it as "a novel about Washington, the first of consequence in American writing," but the critical assessment is that "[i]t is not greatly successful as a novel…."[11]

THEATRE.

Salt Lake Theatre Corporation, CLAWSON & CAINE, Proprietors. MANAGERS.

"THERE'S MILLIONS IN IT!"

FRESH ATTRACTION!

ENGAGEMENT, FOR SIX NIGHTS ONLY!

Of the popular Comedian,

MR. WILLIE GILL

Who will make his first appearance at this Theatre as

Col. Sellers,

IN MARK TWAIN'S

GILDED AGE!

Supported by

MISS JEAN CLARA WALTERS,

And the full Dramatic Company.

Monday Evening, Feb. 8th.

Will be presented the New Play, in 4 Acts, illustrating phases in American Life, adapted from MARK TWAIN'S great novel, THE

GILDED AGE

COL. MULBERRY SELLERS, a Gentleman of Speculative Habits, MR. WILLIE GILL

Senator Dilworthy, a gentleman of philanthropic habits, Mr. J. S. Lindsay
George Selby, a colonel in the "Confeds," Mr. M. Forster
Harry Brierly, a would be speculator, Mr. Logan Paul
Phillip Sterling, his friend, Mr. G. Gillet
Washington Hawkins, a millionaire—in the dim future, Mr. E. B. Morden
Mr. Trollop, a conscientious congressman, Mr. Mark Wilton
Judge of the Court, Mr. J. W. Pike
Mr. Buham, counsel for the defence, Mr. H. Taylor
District Attorney, Mr. H. Horsley
Laura Hawkins, "a wonderful woman," Miss Jean Clara Walters
Mrs. Hawkins, a good mother and friend, Mrs. Belle Douglas
Mrs. Col. Sellers, a firm believer in the Col's "millions," Miss Carrie Cogswell
Mrs. Selby, a jealous wife, Miss S. Napper

ACT 1.
IN HAWKEYE Sellers' Eye Water, and Turnip Repast.
ACT 2.
STONES LANDING. Sellers' New Railway Route
ACT 3.
AT WASHINGTON. Laura's Revenge.
ACT 4.
THE TRIAL. Sellers' Resolve.
"MY DEAR BOY," "THERE'S MILLIONS IN IT!"

Due notice will be given of the first appearance of

MISS ROSE BAIN.

COURTESY UTAH STATE ARCHIVES

Poster advertising Willie Gill's play in Salt Lake City.

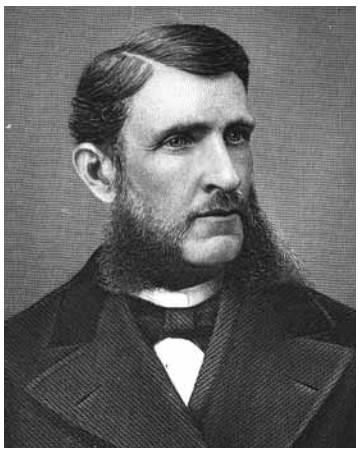
[7] Rasmussen, *Mark Twain*, 175. However, not all scholars believe this version of the story. See Jerry Wayne Thomason, "Colonel Sellers: the story of his play" (Ph.D. dissertation, University of Missouri-Columbia, 1991), 7.

[8] Twain to Brown, *Mark Twain's Letters, 1:* 214-15.

[9] Twain to Editor of *New York Daily Graphic*, April 17, 1873, in Charles Neider, ed., *The Selected Letters of Mark Twain* (New York: Harper & Row, 1982), 78-79.

[10] Rasmussen, *Mark Twain*, 166. "Satire" and "Civil War" are fully capitalized in the original.

[11] Ward Just, "Introduction," in *The Gilded Age* by Mark Twain and Charles Dudley Warner, edited by Shelley Fisher Fishkin (New York: Oxford University Press, 1996), xxxi-xxxii. The bragging about the sales of his novel was made by Twain in his letter to Brown, *Mark Twain's Letters, I:* 215. The principal work of criticism on the novel and its place in history is Bryant Morey French, *Mark Twain and The Gilded Age: the Book that Named an Era* (Dallas: Southern Methodist University Press, 1965).



UTAH STATE HISTORICAL SOCIETY

John T. Caine, Utah territorial delegate to U.S. Congress (1883–1893), and actor involved with the Salt Lake Theatre.

Twain used themes and characters in the book that resurface in his more famous novels about Tom Sawyer and Huckleberry Finn. His main contribution to *The Gilded Age* was the character of Colonel Sellers, a promoter of get-rich-quick schemes. Twain wrote in his autobiography that Colonel Sellers was modeled after his mother's cousin, James Lampton. This relative was: "…a pathetic and beautiful spirit, a manly man, a straight and honorable man, a man with a big, foolish, unselfish heart in his bosom, a man born to be loved…"[12] Some Mark Twain scholars think that Sellers exhibits some of Twain's own personality.[13]

Sellers is a central character in *The Gilded Age*. He is the main vehicle for comedy in an otherwise tragic novel. In one particularly memorable chapter, Sellers used various kitchen utensils and household articles to create a makeshift map on the top of a table as he explained the anticipated plan of the railroad to his wife and how it was going to brighten their day economically. The map of the Salt Lick Branch of the Pacific Railroad was inserted as a foldout illustration in the original 1873 edition of *The Gilded Age*. It was deleted from later editions because of the production costs. One literary critic pointed out:

> …though it carries overtones of the Hannibal and St. Jo, in all probability [it] represents the Atchison…Branch of the Union Pacific Railroad…end[ing] in the valley of the Little Blue River in northern Kansas….The name "Salt Lick" is also a parody of Salt Lake and seemingly alludes to the route of the Union Pacific, which was to extend to the Great Salt Lake at Ogden, Utah, the route of which Charles Dudley Warner had as a young man helped survey.[14]

The branch goes through Hallelujah and ends in Corruptionville, and in the novel Sellers is quick to point out that Corruptionville is a "good missionary field." "There ain't such another missionary field outside the

[12] Samuel L. Clemens, *Mark Twain's Autobiography*, 2 vols. (New York: Harper & Brothers, 1924), I:90. Twain explains how his character's name changed from Mulberry Sellers to Eschol Sellers and back again, because of the threat of a lawsuit.

[13] Neider, *The Selected Letters,* xvi. The observation about reusing material in his more famous novels comes from the introduction to *The Gilded Age: A Tale of To-day* by Mark Twain and Charles Dudley Warner, edited by Bryant Morey French (Indianapolis: Bobbs-Merrill Co., 1972), xxiv-xxv.

[14] French, ed., *Mark Twain and the Gilded Age,* xxv, 475. French says it is fortunate that Warner included a verbal description of Twain's map in the text of the novel, since it was dropped from later editions. Modern editions usually include the map. Warner's experience surveying in Utah resulted in an article he wrote for a national journal, suggesting that Salt Lake City might someday overtake Saratoga, New York, as a resort destination. "Great Salt Lake and the new Saratoga," *Putnam's Monthly Magazine* 2, no. IX (1853): 260-64.

jungles of Central Africa," he tells his wife.[15]

Twain's father, John Marshall Clemens, was a lawyer. Perhaps because of his early exposure to the law, Twain kept abreast of developments in copyright legislation. On May 19, 1873, he registered his copyright (including dramatization rights) under the law of 1870, by depositing the necessary copies with the Library of Congress and went overseas to London for publication of the novel. According to British law, a work had to first be published in the United Kingdom in order to assure British copyright protection. Twain had already suffered damage at the hands of John Camden Hotten, who had published pirated copies of *Innocents Abroad* in England during 1870. While Twain and Warner were working on *The Gilded Age* in March 1873, Hotten published another pirated work called *The Choice Humorous Works of Mark Twain*.[16]

UTAH STATE HISTORICAL SOCIETY

Judge James B. McKean, Third District Court Judge, also Chief Justice of the Utah Supreme Court (1870–75), ruled in favor of Mark Twain.

Although English common law allowed copyright protection for a resident of a British colony, and it was common for American authors to go to Quebec so they could be resident in Canada on the date of publication, Twain wanted to oversee the virtually simultaneous publication of his work in both Britain and America. In order to defeat the literary pirates, Twain had authorized the British firm of George A. Routledge to publish his works in the United Kingdom, and he wanted to be there for the event. Twain wrote to T.B. Pugh on July 27, 1873: "…I shall have to remain in London till Oct. 25 and thus be able to secure English copyright."[17] The novel did not come out until December, but it was issued within a period of about forty-eight hours in both countries.[18]

Twain and Warner had already contemplated a dramatization of their novel. Twain contacted Dion Boucicault about the project, but ultimately rejected the Irish playwright's terms for developing the script. However, the course of events would provide Twain with another source for a play based upon the novel, and his personal involvement with a script dramatizing his

[15] Fishkin, *The Gilded Age,* 249. The only direct reference to Salt Lake in the novel is as a transit point on the transcontinental telegraph line. Ibid., 553.

[16] Thomason, "Colonel Sellers," 317-19, details the copyright registration. Hotten's plagiarism is outlined by Rasmussen, *Mark Twain,* xvi.

[17] Mark Twain to T.B. Pugh, July 27, 1873, in Hamlin Hill, ed., *Mark Twain's Letters to His Publishers* (Berkeley: University of California Press, 1967), 79.

[18] A description of the simultaneous publication is found in French, *Mark Twain and the Gilded Age,* 474-75. Rasmussen, *Mark Twain,* 210-11, describes Twain's relationship with Routledge that grew out of the Hotten affair.

UTAH STATE HISTORICAL SOCIETY

Jabez Gridley Sutherland represented actor Willie Gill. Sutherland served as president of the Salt Lake and Utah Bar Associations.

novel began with a copyright infringement dispute.[19]

Years later, Twain's friend and colleague, William Dean Howells would remember the source of the script this way:

> The Gilded Age…was the joint work of Clemens and Charles Dudley Warner, and the story had been put upon the stage by some one in Utah, whom Clemens first brought to book in the courts for violation of his copyright, and then indemnified for such rights as his adaptation of the book had given him. The structure of the play as John T. Raymond gave it was substantially the work of this unknown dramatist.[20]

However, Howells' memory had deceived him. It was not an unknown dramatist in Utah who wrote the play, but rather a West Coast drama critic: Gilbert B. Densmore.

Densmore's play opened at the California Theatre in San Francisco on April 22, 1874. John T. Raymond played the part of Colonel Sellers, and the play was at least moderately successful. Twain was informed by several sources, including Warner, that Densmore had written a play based upon *The Gilded Age* and that it was playing in California. He sent a cease and desist letter to Densmore via telegraph. About the same time, he wrote to Warner suggesting that they effect a division of rights with respect to the characters in the book, with each retaining the right to create a drama with his own characters. Warner agreed and Twain worked out a settlement with Densmore. Twain would pay Densmore $200 for the script and an additional $200 if the play were a success nationally.[21]

Twain interrupted his work on *The Adventures of Tom Sawyer* for a month to rewrite Densmore's play, so it would reflect his own view of the characters he had created. He later stated that he rewrote it three times. While many Twain scholars have ignored the dramatization because of an assumption that Twain contributed little to the final version of the play, recent scholarship has concluded that Twain made substantial revisions to Densmore's version.[22]

[19] Twain to Warner, May 1873, in Hill, *Mark Twain's Letters to His Publishers,* 76. Twain also mentions a New York lawsuit he filed for copyright infringement.

[20] William Dean Howells, *My Mark Twain* (Mineola, N.Y.: Dover Publications, 1997), 22.

[21] Henry Nash Smith and William M. Gibson, eds., *Mark Twain-Howells Letters* (Cambridge: The Belknap Press, 1960), 861. Twain copyrighted the play in July 1874. See also Twain to Warner, May 5, 1874, in Hill, *Mark Twain's Letters to His Publishers,* 82.

[22] Thomason, "Colonel Sellers," iv. "Twain invested a considerable effort in the production of the manuscript, revising it with as much intensity as he did any of his material." Thomason goes on to point out that the line "there's millions in it" became famous after Twain rewrote the play, Thomason, 10.

Although Twain looked around for another leading man for his play, he finally settled on Raymond to continue to act in the role of Colonel Sellers. It was Raymond who starred when it opened in Rochester, New York, on August 31, 1874, and also at the Park Theatre in New York City where it opened just over two weeks later. President Ulysses S. Grant was at the premiere in New York City and went backstage afterwards to congratulate Raymond on his performance. From New York, Raymond took the play on tour around the country.[23]

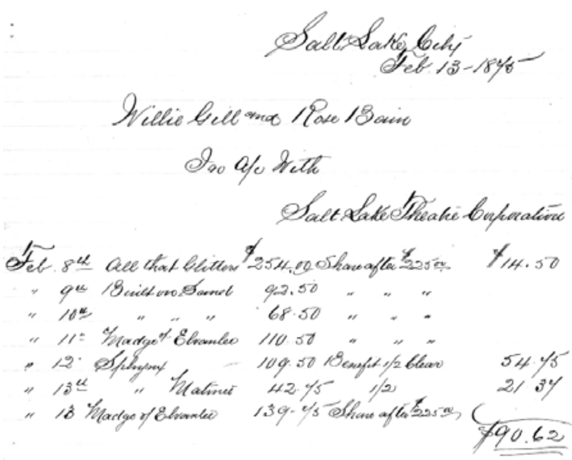
About the time that *The Gilded Age* ended its run in New York, Willie Gill, the acting manager of Piper's Opera House in Virginia City, Nevada, contracted with the management of the Salt Lake Theatre to perform for one week in Utah. Gill was an Englishman who had been the manager of the Queen's Theatre in Sydney, Australia, prior to coming to the United States. Gill had dabbled in acting and playwriting and was able to convince John T. Caine and Hiram B. Clawson to give him and his wife, Rose Bain, a contract to perform for six days. Caine and Clawson, along with four other investors, had purchased the Salt Lake Theatre from Brigham Young in 1873 for $100,000. They then sold the theatre to the Salt Lake Theatre Corporation, but remained as theater managers, positions they had held while Young continued to hold ownership of the Theatre. On behalf of the corporation, Caine and Clawson agreed to contractual terms with Gill that would split the profits 50/50, after the fixed costs of the Theatre were met.

Apparently after the contract was made, Gill informed the management of the Salt Lake Theatre that he would start his performance with a dramatization of Mark Twain's *The Gilded Age*. They had the usual number of handbills printed up and provided the local newspapers with the information about Gill and the play for a new advertisement in each of the papers. With considerable optimism, the opening night was set for Monday, February 8, 1875.

On Saturday, February 6, Salt Lake resident Edward Baker saw one of the handbills and telegraphed his friend John T. Raymond, who was performing Twain's play. Raymond contacted Twain, who became upset that another pirate was trying to perform one of his works without any apparent regard for his copyright or any offer to pay him a royalty. Twain telegraphed the Salt Lake City law firm of Tilford & Hagan and instructed them to file suit and get an injunction to stop the performance.[24] The lawyers first met

[23] Thomason, "Colonel Sellers," 18.

[24] Frank Tilford was born in Kentucky in about 1830. He went to California about the time of the Gold Rush, where he was elected to the Ayuntamiento of San Francisco, along with Samuel Brannan and others. He was also elected as city recorder. During the 1860s he practiced law and served as both president of the board of education and superintendent of public education in Storey County, Nevada. It is probably in Nevada where Mark Twain either met or heard of Frank Tilford. Tilford's law partner, Albert Hagan, was born in Missouri in 1841. Hagan married Brigham Young's daughter, Eudora. He later became a judge and died in Idaho in 1895. Tilford & Hagan's most famous legal work in Utah was probably when they acted, with Sumner Howard, as attorneys for the prosecution in the appeal of John D. Lee to the Utah Supreme Court, *The People, etc. v. John D. Lee, et al.*, 2 Utah 441. There were some expectations


Salt Lake City
Feb 13-1875

Willie Gill and Rose Bain
In a/c with
Salt Lake Theatre Corporation

Feb 8th	All that Glitters	$254.00	Share after $225.00		$14.50
" 9th	Built on Sand	92.50	" " "		
" 10th	" " "	68.50	" " "		
" 11th	Madge of Elcombe	110.50	" " "		
" 12	[illegible]	109.50	Benefit 1/2 clear		54.75
" 13th	" Matinee	42.75	1/2		21.37
" 13	Madge of Elcombe	139.75	Share after $225.00		
					$90.62

COURTESY SPECIAL COLLECTIONS, J. WILLARD MARRIOT LIBRARY, U OF U

Account of Willie Gill and Rose Bain with Salt Lake Theatre Corporation.

with Gill and the Theatre management. The Theatre offered Twain a 50/50 split of the proceeds. The Salt Lake City lawyers telegraphed Twain with this offer. His reply, according to the *Tribune*, was: "No compromise with thieves on any terms, not even for the entire proceeds."[25] The *Tribune* article took pains to point out that the Theatre management was not responsible for the attempted piracy.

After rejecting the settlement offer to pay him a royalty, Twain wired $1,000 to the Salt Lake City National Bank on Monday morning, February 8, in order to post the required bond for an injunction and his attorneys lodged their complaint with the court clerk, naming Caine and Clawson as defendants, along with Willie Gill. As usual, the Third District Court convened at 10 o'clock on that Monday morning. Judge James McKean had a full calendar. He decided an appeal from the probate court and heard several other procedural matters, including a default judgment, before granting divorce decrees and sentencing two criminals who had been convicted of forgery and perjury, respectively. The last matter of the day on the court calendar was the trial of one of three men who had been charged with "playing a game of cards for a sum of money." The trial began, but was continued until the next day, partly so that Judge McKean could entertain the injunction hearing on Mark Twain's petition. The judge began the hearing by reviewing the complaint and allowing it to be filed.[26]

In the complaint, Twain's attorneys alleged that the copyrighted play was entirely the work of Twain, something that was not completely true. Nevertheless, because Twain had bought the rights from Densmore, this inaccuracy was irrelevant. In order to get their preliminary injunction, Twain's lawyers also alleged that he would be irreparably harmed. The request for a preliminary injunction was based on two points: that Twain had plans to bring the play to Utah soon; and that Gill was impecunious and unable to respond if the court were to award monetary damages.[27]

at the Theatre, even after Twain threatened to sue, that Gill would get to perform the play at least once in Salt Lake because the wheels of justice would move too slowly to stop it. *Salt Lake Daily Herald*, February 9, 1875.

[25] *The Daily Tribune*, February 9, 1875.

[26] Third District Court Minute Book, B (1869-1875): 667-68.

[27] *Clemens v. Caine et al.*, Third District Court, No. 1785.

Jabez Sutherland, a former Michigan circuit judge, represented Gill and the Theatre at the hearing. Frank Tilford made the appearance on behalf of Mark Twain. Tilford's argument was basically that Twain had reserved the rights to dramatize *The Gilded Age* two years before when he filed for copyright protection under the 1870 act. Sutherland argued that Gill's play was different from Twain's and, therefore, was not protected by Twain's copyright. Judge McKean ruled in favor of Twain. The preliminary injunction would issue until March 1, when there would be time for a full hearing on the issuance of a permanent injunction, and McKean ordered the defendants to show cause why the injunction should not issue.[28]

At 6:45 p.m. shortly before the play was to open, the deputy U.S. marshal, A.K. Smith appeared in the Theatre and served the court's order. Willie Gill was devastated. He did not intend to wait around in Salt Lake for nearly a month to find out how Judge McKean would rule at the hearing on a permanent injunction. However, after the unsuccessful negotiations between Twain's lawyers and the Theatre management, steps were taken to prepare a back-up work. As the patrons gathered and the appointed time for the play arrived, one of the local company of actors, E. B. Marden, stepped out from behind the curtain and announced to the waiting audience that the play they had come to see would not be performed. Marden apologized for the injunction and said that it was Twain who insisted on it. Raymond, he said, was inclined to allow the performance to go on. Marden told the audience that Gill and the company would instead perform "All That Glitters is Not Gold."[29]

The disappointed crowd reacted favorably to the performance, but the damage had been done. The next day a new advertisement appeared in the local newspapers, announcing that no injunction could be served on the performance of "Built on Sand" a completely original work authored by Willie Gill.[30]

John S. Lindsay was part of the local company that was scheduled to support Gill in his performance of *The Gilded Age*. Lindsay had prepared to play the role of the corrupt Missouri Senator Dilworthy, but never got a chance to act the part. Lindsay was surprised to learn that Gill had been contracted to perform a lead role in Salt Lake City because he had only performed in supporting roles in Virginia City. He recalled later:

> [Gill] was a clever adapter and dramatizer, as his version of 'A Gilded Age' bore witness, and he no doubt found plenty of materials to use in his craft, whose authors were not so well known as Mark Twain nor so particular in regard to their copyrights. Willie

[28] Jabez Sutherland was born in 1825 in Van Buren, New York. He moved to Michigan, where he was very active politically. He served as a delegate to two Michigan state constitutional conventions, member of the state legislature, circuit court judge, and as U.S. congressman from Michigan's 6th District for one term. He came to Utah in 1873. He was a professor of law at the University of Utah and president of the territorial bar just prior to statehood. He died at Berkeley, California in 1902. Sutherland's law partner, at the time of the Mark Twain case, was George C. Bates, the former U.S. Attorney for Utah.

[29] *Deseret Evening News*, February 9, 1875.

[30] *The Daily Tribune*, February 10, 1875.

> learned the truth of the axiom that 'All that glitters is not gold,' even '*A Gilded Age*,' on that memorable night, for it materially injured the business during the remainder of his engagement.[31]

After the court victory, the *Tribune* quipped: "Mark Twain is ahead, and our next notice of 'The Gilded Age' will be made when Raymond comes 'Roughing It' to Salt Lake City, and then everybody can see that 'There's millions in it!'"[32]

The day after the restraining order was served, Gill addressed a letter to the editor of the *Tribune*, defending his attempt to perform a dramatic work based upon *The Gilded Age*. He claimed, accurately, that under English law his dramatization would not have been illegal. He said he was ignorant of the provisions of the copyright act of 1870 in the U.S. and never would have tried to produce the play if he had known. Gill also accused Twain of having less than clean hands in writing the novel:

> But Mark Twain is far from being justified in applying the term 'thief' to a man without ascertaining, beyond a doubt, whether he was correct or not in so doing. When Mr. Twain talks about 'thieving,' it is necessary that Willie Gill should remind him, that, but for Dickens' happy idea in conceiving the character of Wilkins Micawber, Mark Twain would not now be reaping a golden harvest out of the character of Col. Sellers, whom he has put forth as an original conception of his own. I am sorry that I have, in the smallest degree, infringed upon the rights of Mark Twain; and I am still more sorry to find that a gentleman of such vast conceptive power as Mr. Twain possesses, evidenced in the character of Col. Sellers, could not have hit upon a more novel and original expression of opprobrium than that of 'thief.' Yours respectfully, Willie Gill.[33]

In Gill's defense, it appears from the evidence that his drama really was significantly different from Twain's revised version of Densmore's play.[34]

Gill and Bain played for five more days in Salt Lake. As Lindsay remembered, it was a lean week at the theater. The receipt for payment to Gill and Bain shows that they received $90.62 as their share of profits (after the Theatre took $487.38 for its costs, which were not covered for the week). They were helped by the fact that one benefit performance and a matinee were treated differently under their agreement, and for these two performances the gross proceeds were split, instead of designating an amount to be paid for fixed costs of the Theatre first. Because of the poor gross receipts for the week, the supporting actors and crew from the local company were not paid in full for their efforts during the engagement of Gill and Bain. The only performance that succeeded in covering costs was

[31] John S. Lindsay, *The Mormons and the Theatre or The History of Theatricals in Utah* (Salt Lake City: n.p., 1905), 140.

[32] *The Daily Tribune*, February 9, 1875.

[33] *The Daily Tribune*, February 10, 1875.

[34] Lindsay infers this and a comparison of the characters in Twain's play, as reproduced in Thomason, with the characters announced in the Salt Lake Theatre handbills confirms that Gill had come up with a very different version of the drama. Moreover, Twain's play had five acts, while Gill's had just four. Gill was also correct that English copyright law differed from American law at this time. See Augustine Birrell, *Seven Lectures on the Law and History of Copyright in Books* (1899; reprint ed., New York: Augustus M. Kelley, 1971), 155-56.


Salt Lake City, Feb. 13 1875

No.

Salt Lake Theatre Corporation

To Willie Gill & Rose Bain

For Share of Gross Receipts one week's performances
Including 1/2 Clear Benefit & 1/2 Matinee ending Feb 13th $ 90 62/100

Attest, Received Payment. J. Malquid

COURTESY SPECIAL COLLECTIONS, J. WILLARD MARRIOTT LIBRARY, UNIVERSITY OF UTAH

Receipt signed by Willie Gill for payment from the Salt Lake Theatre of $90.62.

Monday night's play, when *The Gilded Age* was canceled. The theatre closed for nine days after Gill's engagement, which gave the local company of actors some deserved rest, "but cut off their salaries, which they did not relish," according to Lindsay.[35]

After Gill left town there was nobody interested in defending his claim to have a right to produce his play based upon Twain's novel. The ten days for answering the complaint passed and on February 19, Tilford and Hagan were back in court to ask for a default judgment. Judge McKean granted their request and issued a permanent injunction.[36]

The following year, Twain's play did come to Salt Lake with John T. Raymond as Colonel Sellers, and the play was a great success. It was profitable for both Raymond and the Theatre, which by this time was managed by W.T. Harris. Raymond also returned to Utah in 1881 for performances in Ogden and Salt Lake. His last performance in the Salt Lake Theatre was on June 25, 1881.[37]

Twain reported that nationally he earned $20,000 in book royalties from *The Gilded Age*. From his share of the play, the royalties were $75,000. It was a bonanza for Raymond, as well. William Dean Howells wrote that he observed Twain's glee each week as a post card would arrive announcing the most recent receipts. Although Howells' written recollection confused Gill with Densmore, when he wrote that the author of the play was an unknown playwright in Utah, there can be no doubt that Howells accu-

[35] Lindsay, *The Mormons and the Theatre,* 141. The accounting documents for this week are preserved in the William C. Patrick Collection, MS 148, Manuscripts Division, J. Willard Marriott Library, University of Utah, Salt Lake City, Utah.

[36] Judge McKean was replaced less than a month later. Responding to petitions from local Utah residents about McKean's sometimes arbitrary decisions and especially to a court order threatening disbarment for attorney George Whitney because of a personal dispute between McKean and Whitney outside of court, President Ulysses S. Grant appointed David P. Lowe to assume McKean's duties as Chief Judge in Utah. Lowe was a former congressman from Kansas. *Deseret Evening News,* March 18-19, 1875.

[37] Lindsay, *The Mormons and the Theatre,* 148, and George D. Pyper, *The Romance of an Old Playhouse* (Salt Lake City: The Seagull Press, 1928), 332. By 1881 the drama was losing its popularity. The *Deseret Evening News*, June 24, 1881, noted "[t]he audience at the Theatre…was not so large as the merits of the piece deserved."

rately recalled the financial success of the play and Twain's happiness with it. Twain later tried some other dramatizations, but the success of Colonel Sellers was hard to beat. Ten years after the final performance of Raymond in the Salt Lake Theatre, Twain and Howells resurrected the character of Sellers in a dramatic sequel. It was not successful, so Twain reworked the play and turned it into another novel, called *The American Claimant*.[38]

Twain also continued active in the copyright crusade. He lobbied Congress to extend copyright protection to foreign authors, so that he and other American authors could take advantage of copyright provisions that extended reciprocity, especially in Canada. His efforts finally helped pass the International Copyright Act of 1891, where the United States gave the same protection to books of foreign authors that it gave to American authors. He also lobbied, unsuccessfully, to extend the period of copyright protection granted in the United States. In addition, he engaged in copyright litigation whenever he felt it necessary to protect his own copyright interests. His lawsuit in Utah was part of a larger strategy to sue whenever someone attempted to publish or perform his works without permission. His most celebrated case took place in 1883 when he sued Belford Clark & Co. and contended that he had a trademark in his pen name of Mark Twain. He lost the case, which determined that he had no rights in a published work that he had failed to copyright, but this later case has become *the* Mark Twain case that is famous among intellectual property lawyers. If Twain were alive today, he would be happy to learn that most everything he wanted in U.S. copyright protection has subsequently found its way into the law.[39]

John Caine and Hiram Clawson continued to manage the Salt Lake Theatre for a time after the Mark Twain lawsuit; but Caine was so overwhelmed with the pressures of both the Theatre and his new newspaper, the *Salt Lake Daily Herald*, that he became ill. Caine took a lengthy trip to Europe in the summer of 1875 to recover from the stresses. The trip provided an adequate cure, and he returned to participate in many other business and community activities, even assisting with the Salt Lake Theatre. Among these activities, he served as Utah's territorial delegate in Congress, on the board of regents of the University of Utah, and as the second president of the Utah State Historical Society. Clawson later became the manager of ZCMI and then started his own business.[40]

The actor, stage manager, and playwright Willie Gill settled in New York City and had some success in writing comic pieces for the stage. He never

[38] Howells, *My Mark Twain,* 22-27.

[39] Edward G. Hudon, "Mark Twain and the Copyright Dilemma," *American Bar Association Journal* 52 (1966): 56, 59-60. Herbert Feinstein identified eight cases where Twain sued to enforce copyrights, but he did not include the Utah case. Herbert C. V. Feinstein, "Mark Twain's Lawsuits" (Ph.D. dissertation, University of California-Berkeley, 1968).

[40] Pyper, *The Romance of an Old Playhouse,* 250. The details about Caine's trip to Europe are preserved in "John T. Caine," a biographical typescript in the William C. Patrick Collection, 11-12.

returned to act in the Salt Lake Theatre. His charge of plagiarism in the character of Colonel Sellers was not the only one ever leveled against Twain, who bore many such challenges during his writing career.[41]

Shortly after the play based upon *The Gilded Age* debuted, the *New York Sun* published a front-page article charging Mark Twain with plagiarism in taking the play from Densmore. Twain wrote a response that was never published, allowing John T. Raymond to publish a defense that was not entirely accurate. However, most of the charges about plagiarism and piracy against Mark Twain have been forgotten with the passage of time. The current view of Mark Twain generally coincides with that of Ernest Hemingway, who said: "All modern American literature comes from one book by Mark Twain called *Huckleberry Finn*."[42] Thus, *The Gilded Age* and its adaptation for the stage can be viewed as immediate precursors to some of the greatest writing in American history.[43]

[41] Lindsay, *The Mormons and the Theatre,* 140-41. Raymond performed successfully in a play that Gill had co-authored, *In Paradise*. Frederick Anderson, William M. Gibson, and Henry Nash Smith, *Selected Mark Twain-Howells Letters, 1872-1910* (Cambridge: The Belknap Press, 1967), 224 n.5.

[42] Gerald Parshall, "A Turning Point in American Literature," in *Readings on Mark Twain*, edited by Katie de Koster (San Diego: Greenhaven Press, 1996), 143.

[43] Thomason, "Colonel Sellers," 9.

In Memoriam
DEAN L. MAY
1938–2003

Dean Lowe May, a people's historian, died on May 6, 2003. A remarkably creative researcher and a multifaceted teacher who reached beyond the classroom, Dean May profoundly shaped our understanding of the history of Utah and the American West. As a fellow of the Utah State Historical Society, chair of the Board of State History, and participant in numerous local projects, he modeled the academic's responsibility to the community beyond the university.

The youngest of four brothers, Dean May was born in the company town of Worland, Wyoming, on April 6, 1938. When he was nine, his family moved to a small farm near Middleton, Idaho, west of Boise. Milking cows, thinning sugar beats, and pitching hay gave him the grounding that made his writing about rural community life authentic. On the farm, he also cultivated a deep spirituality. He was always a devout member of The Church of Jesus Christ of Latter-day Saints and served his church in many callings. Following

graduation from high school, Dean was accepted at Brigham Young University and received his Bachelor of Arts degree with highest honors in history in 1964. A year of study as a Fulbright Fellow at the University of Cologne in Germany followed, during which he developed a life-long facility with the German and French languages.

In 1965 Dean attended Harvard University, graduating with a Master of Arts degree three years later. He then entered the graduate school at Brown University and was awarded a Ph.D. in 1974. His dissertation, later published as a book titled *The American Liberal Response to the Recession of 1937* concerned the activities of Henry Morgenthau, Jr. and Marriner Eccles during Franklin Roosevelt's New Deal administration.

While earning his graduate degrees, Dean dated Cheryl Lynn, a friend from BYU, who was working on her Ph.D. in political science. They married in 1967 and had three children, Tim, Caroline, and Tad. Dean reveled in Cheryl's accomplishments and his children's lives. He always had photographs of his wife, children, and grandchildren within easy reach.

Although Dean maintained an interest in twentieth century economic and political history, he soon shifted focus to social history and particularly family and community studies in Utah and the American West. Mormon History also became an area of specialization. In 1974 Dean was offered a position in the History Division of the LDS church then under the directorship of historian Leonard Arrington. In collaboration with Arrington and Feramorz Y. Fox, he published *Building the City of God: Community and Cooperation Among the Mormons* which won the Mormon History Association Best Book Award for 1976. The issues raised in this book concerning individualism, personal responsibility, and community authority would frame many of his later works. He and his students would prove instrumental in building Mormon history into a significant area of study in America and the West. In recognition of his role, Dean was later named the editor of the *Journal of Mormon History* and president of the Mormon History Association.

In 1977 Dean accepted a position in the Department of History at the University of Utah where he also directed the Center for Historical Population Studies. His years at the University of Utah were quite productive. No armchair academic, Dean visited the West's cities, towns, and outback to smell, taste, and feel their history. This hands-on approach translated into powerful story telling in both his writing and teaching. Searching for the authentic, he joined the crew of the three-masted sailing ship *Christian Radich* in 2001 to reenact the Mormon passage across the Atlantic Ocean to America in the nineteenth century. As was Dean's custom, he took numerous photographs during the voyage and created a slide show that he narrated to a multitude of community groups.

In addition to more than three dozen articles, Dean published four books including *Utah: A People's History* (1987) and *Three Frontiers: Family, Land, and Society in the American West: 1850-1900* (1997) which won the Mormon History Association Best Book Award. Scholars have described his work as

"impressive" and "imaginative" and "social history at its best." Unique was Dean's ability to develop the "complex relationship between the particular and the general — the microcosm and the macrocosm in historical development." At the time of his death, he had three more books in progress.

In the classroom, Dean was a master teacher. Invariably, students described him as especially knowledgeable, engaging, and vitally involved in their welfare. He received the Ramona Cannon Award for Teaching Excellence in the Humanities and the Associated Students Choice Award for Teaching Excellence, twice. Dean's concern for students was also demonstrated by his weekly "History Table" discussion which he hosted at the Student Union. He would take a chair and invite anyone interested to discuss history, politics, and current events. In recognition of these academic achievements, Dean was awarded Fulbright Professorships to Germany in 1990 and Egypt in 1998.

Yet, Dean May's contribution extended far beyond the campus. He was the University of Utah's face to the state and its people. Dean produced two major video series on Utah's history and folkways. His "People's History of Utah" was recorded between 1981 and 1988 in twenty, half-hour programs. Not only did he play the narrator's role and appear on camera, he wrote and staged the productions. This highly acclaimed series won more than forty international, national, and regional awards. He often joked about the series: "In the space of ten hours, you can watch me growing visibly older." He followed this effort in 1996 with "Utah Remembers," seven, forty-five minute programs that revealed Utah in its diversity of peoples, cultures, and histories. Appreciative Utahns recognized Dean's prodigious outreach work with the Distinguished Service Award from the Utah State Historical Society in 1995 and in 2002, the Pioneer of Progress Award for his outstanding contribution to historic and creative arts.

This bare outline of accomplishments only hints at the inner man. Dean May was a visible saint not only giving of mind but of heart. He spent his life taking histories of men and women of all classes, ethnic groups, religions, and races. He knew that each had a story to tell, that each contributed a piece to the human mosaic. Warm and open, he easily approached strangers and they instinctively grasped his generosity of spirit. Rushing from hurting others, he readily forgave those who sinned against him. Resentment, he knew, lessened his own sense of humanity. His early and sudden passing shadows our lives and robs us of breath.

Robert A. Goldberg
Professor of History
University of Utah

BOOK REVIEWS

The Western Paradox: A Conservation Reader By Bernard DeVoto Edited by Douglas Brinkley and Patricia Nelson Limerick Foreward by Arthur M. Schlesinger, Jr. Afterword by Mark DeVoto (New Haven: Yale University Press, 2001. xxx + 552 pp. Cloth, $45.00, paper, $18.95.)

UTAH NATIVE BERNARD DEVOTO'S histories about Euro-American exploration and settlement of the American West, Lewis and Clark, and the fur trade are well known and have remained in print since their original publication. DeVoto's conservation essays, on the other hand, were published in periodicals and in essay collections that are out-of-print and may not be as familiar to modern readers. The release of *The Western Paradox: A Conservation Reader*, an anthology of DeVoto's conservation writings, fills this void.

Bernard DeVoto was the leading defender of the West's public lands during the decade after the Second World War. Through his Easy Chair column in *Harper's Magazine* and in longer essays published in *Harper's* and other periodicals, DeVoto reached a large audience with his crusade to protect the public lands from threats such as overgrazing and deforestation. He used this forum effectively. He helped defeat an attempt in the late 1940s by grazing interests to transfer federal lands to state and ultimately private control. His term "landgrab" entered the conservation lexicon. In 1950 he attacked against the Bureau of Reclamation and the Army Corps of Engineers over plans to build dams that would impact several areas in the National Park system. DeVoto launched the effort to defeat the proposed Echo Park Dam, which would have flooded Dinosaur National Monument. A sense of urgency dominated DeVoto's conservation writings. A successful landgrab or a violation of the pristine setting of a national park would set a precedent for further threats against the Public Domain.

The Western Paradox opens with a reprinting of ten of DeVoto's finest *Harper's Magazine* essays, published between 1934 and 1954. In the earliest essay, "The West: A Plundered Province," DeVoto developed his theme that from the days of the fur trade the West's resources have been controlled by outside (mainly Eastern) interests. In "The West Against Itself," published in 1947, DeVoto expanded his "plundered province" theme by noting that Westerners have been active participants in the plunder. He also observed the paradoxical attitude of Westerners toward the federal government: "It

shakes down to a platform: get out and give us more money."

"Western Paradox," a book-length manuscript left unfinished at DeVoto's death in 1955 and published here for the first time, follows the *Harper's* essays. Six chapters and a fragmentary seventh chapter out of a projected nine chapters are extant. "Western Paradox" is an intensely personal book in which DeVoto, the expatriate Westerner, delves into the character and paradoxes of the modern West: frontier myths versus modern realities; individualism versus conformity; and the limitations topography places on the lives of Westerners. "Western Paradox" contains some of DeVoto's most powerful writing about his native Wasatch Front. Due in large part to overgrazing, communities in Davis County were devastated by mudslides in the 1920s, resulting in loss of life and extensive property damage. His account of this environmental catastrophe is dramatic. And his description of the sudden burst of color during a sunrise over the Great Salt Lake Desert is unforgettable.

The book concludes with a bibliography of DeVoto's writings and a useful index. Editorial annotations fill in details about people and events that may not be familiar to modern readers, but very little of the content is dated.

Wallace Stegner ranked the importance of DeVoto's conservation work with the likes of Powell, Pinchot, and Roosevelt. This fine volume from Yale University Press preserves DeVoto's important written record, which is as timely today as when it was written. The wise stewardship of public lands is vitally important to the future of the American West. As DeVoto reminded his readers in 1947: "This is your land we are talking about."

PETER H. DELAFOSSE
Salt Lake City, Utah

Termination's Legacy: The Discarded Indians of Utah By R. Warren Metcalf

(Lincoln: University of Nebraska Press, 2002. xviii + 305 pp. $55.00.)

STARTING IN 1954 the Federal Government terminated one-hundred plus Indian tribes across the United States. All have subsequently been reinstated, that is, with one exception: the so-called mixed-blood Utes in the Uinta Basin of Northeastern Utah. It is this still disenfranchised group of people that forms the stimulus driving R. Warren Metcalf's book *Termination's Legacy: The Discarded Indians of Utah*. It is about these people that he writes; it is their cause he champions.

Most outsiders to termination simply wish that it would just go away, or it is accepted as passé, a dead issue already, which certainly seems to be the position taken by the courts. But Metcalf in no uncertain terms lets the reader know that termination is alive and well among Native factions of the Uinta Basin today.

People of Indian descent living in the Uinta Basin often share their version of termination's saga. Anguished terminated Utes will tell a story similar to that put forth by the author. But other terminated mixed-bloods praise termination, for the freedom it has given them to excel, away from what they see as less than productive influences sometimes found on reservations. Even some full-bloods have expressed the thought that termination would have been best for everyone. Popular legend within the Ute Tribe says that mixed-bloods asked to be released from tribal association, but most of them will deny that today. And yet, one hears stories arising from early termination meetings held on the reservation wherein mixed-bloods did express that very desire. This is such a convoluted issue tied so deeply to economic and identity issues that it is no wonder it will not go away. Deep feelings of betrayal and rejection last for generations, and of such hurt comes the legacy of termination. The author has taken a bull by the horns and wrestled it to the ground.

Metcalf tries to drag Mormonism into the forefront of this issue, but the twin nemeses assimilation and termination are not a "Mormon" Hydra. These formidable notions are long-standing, ongoing national phenomena dating back to Jamestown and Plymouth. Looking back at the 1950s termination era, at all the many people at the federal level, who served in Congress, in the Senate, on committees, and in governmental departments, not to mention all those partisans showing support from a full complement of forty-eight states, to single out a few of one faith and saddle them with the weight of the catastrophe known as termination is not justified, not in Utah, not anywhere. Termination was an assimilationist idea that lived in the hearts of people throughout the United States long before 1954 and among people of all religious persuasions.

That aside, *Termination's Legacy* is an absolutely scholarly work backed by many primary documents. In a more or less straight forward time line it tells the Ute termination story. Metcalf is good to introduce players and issues at length, and the intricacy with which he fills in the gaps of a story that has in many ways been as much legend as truth, is both fulfilling and engaging. As is the case in any such study, some will read this book and fault it for

not taking in certain other issues or for not pointing fingers in other directions, but no one will ever cover all facets to this troubled saga and its outcome. However, the most salient of issues are certainly borne out in this book. Metcalf weaves his bounteous research into an almost water-tight fabric that virtually captures the full story of termination's legacy. His final chapter will be written if and when terminated mixed-blood Utes are ever accepted back into the Northern Ute Tribe.

H. BERT JENSON
Utah State University

Conflict in the Quorum: Orson Pratt, Brigham Young, Joseph Smith

By Gary James Bergera (Salt Lake City: Signature Books, 2002. xi + 312 pp. $24.95.)

THE EARLY LEADERS of the Mormon church were known by various exalted nicknames. Brigham Young was appropriately called "The Lion of the Lord"; Orson Pratt, self-educated but intellectually gifted, "The Gauge of Philosophy." The nicknames fit well, as Gary Bergera demonstrates in his retelling of the doctrinal disputes that waxed and waned between these two strong-willed apostles over a period of thirty-five years. The book, which expands on a 1980 *Dialogue* article by Bergera, recounts several episodes of conflict between Lion and Philosopher over such issues as succession in church government, the nature of God, even the composition of matter and the universe. Although these disputes have been dissected before in several articles by Bergera and others, the author airs the controversies more fully through generous excerpts from original documents.

These excerpts are genuinely absorbing and the best thing about the book. Three long excerpts of minutes from meetings held at Winter Quarters, Nebraska, in November and December 1847 tell how church leaders debated reorganizing the First Presidency dissolved at the death of Joseph Smith. Brigham Young wanted to proceed with himself as president, and the others generally agreed—except one. Orson Pratt argued that the Quorum of the Twelve should continue to preside, citing the New Testament and the Doctrine and Covenants for authority. Although Pratt received a thorough hearing, the group voted unanimously to appoint Young president of the church. For Brigham Young, the debate apparently served a useful purpose, allowing an airing of issues surrounding the succession: "We locked horns, Orson & I—but all to bring things out" (82-83).

Other episodes between the two are equally illuminated by key documents, and sometimes full texts. Young was exasperated by doctrinal innovations in *The Seer*, a periodical Orson Pratt published in Washington D.C. in the 1850s. Bergera provides the text of two First Presidency declarations of 1860 and 1865 pointing out the anomalies in Pratt's writings: among others, his teaching that the attributes of godliness were the true focus of worship, rather than God himself; and that the universe was filled and actuated by an ether-like "fluid" he called "Holy Spirit." The debate at headquarters over these singular ideas is carefully sketched, along with Pratt's stout defense and eventual submission. An ironic turning of tables occurs when Pratt questions Brigham Young's own doctrinal innovations about the godhood of Adam.

From Pratt's 1842 falling out with Joseph Smith to his 1875 demotion in the Quorum of Twelve, a move that blocked Pratt from succeeding to the presidency of the church, Bergera tells the stories skillfully and sparingly. When he speculates on the motives and thoughts of his subjects, however, he is less convincing. After a tense dispute over his writings in January 1860, according to Bergera, Pratt "only now began to realize the gravity of his situation . . . reminders of his disastrous difficulties . . . must have reverberated painfully in the apostle's mind. . . he now wondered if the time had come for a . . . public apology" (150-51). This kind of mind reading is tempting—I've fallen prey myself—but for the historian, this temptation needs resisting.

These are great stories, but the episodic structure of the book leaves the reader wondering about its purpose. We dip in and out of conflicted episodes that are years apart and disparate in their origins and significance. Where is the interpretive framework that enables us to understand the context or consequences of these disputes? For example, what part did the 1847 succession debate play in the long-term development of church government? Is it important to know that Pratt's controversial writings were attempts to join the nineteenth century philosophical conversation about materialism? Is the complexity of these controversies to be reduced to "authority [Brigham] rather than reason [Pratt]"or to "Young's notion of dynamic revelation" versus "Pratt's fundamentalist adherence to a literal interpretation of divine canon"? (284) Bergera says his project is to "explore expressions of faith" in the midst of controversy, but this expedition doesn't go anywhere in particular.

BRECK ENGLAND
Bountiful, Utah

Defending Zion: George Q. Cannon and the California Mormon Newspaper Wars of 1856–57 Edited by Roger Robin Ekins, Vol. 5 of *Kingdom in the West: The Mormons and the American Frontier* (Spokane, Washington: The Arthur H. Clark Company, 2002. 463 pp. $42.50.)

THE PURPOSE of this imposing volume is to present in an easily-available form the defenses of Zion by George Q. Cannon, editor of the San Francisco *Western Standard*, along with the opposing newspaper comments of a controversial twenty-month debate in the middle of the 1850's. Editor-author Ekins also seeks to amplify these documents with extensive editorial comments and explanations. He has organized topics roughly as they appeared in the ongoing editorial wars between the Mormon spokesman and a considerable number of critics among the California newspapers of the time. This includes the following subjects: vigilantism mainly in 1856; alleged Mormon-led raids on overland emigrant trains; anti-Mormon reports from apostates like John Hyde; plural marriage; comments on the incendiary rhetoric of the Mormon Reformation, including reports of Brigham Young's theocratic regime; the murder of Parley P. Pratt; the coming of Johnston's army toward Utah; and the Mountain Meadows Massacre.

The young Englishman, Cannon, fresh from impressive success as a missionary in the Sandwich Islands, was assigned by Young to serve as leading newspaper spokesman on the Pacific Coast. Clark Company general editor, Will Bagley, terms Cannon "the most able defender of Mormonism in the Nineteenth Century." Ekins clearly agrees with this assessment and seeks to show him as an effective fighter in the unrestrained press battles of the day. The reviewer certainly agrees with this assessment on the man's later career, but not on this California phase.

Perhaps Cannon's biggest challenge was defending Brigham Young and several of his associates who demonstrated little restraint in the discourses delivered in Mormondom, republished on the coast. No matter how intemperate Young's remarks might appear to the eager opposition press editors, the young disciple and future son-in-law served with distinction as defender – indeed apologist. Cannon's unswerving loyalty ultimately bound him to the church leader more securely than any other man of his generation.

Sometimes Cannon was compelled to speak without full

command of the facts. In one telling instance not mentioned in the book, he denied hunger in Salt Lake City even as San Bernardino citizens were gathering food to send to Utah. Cannon denied the scarcity, then finally conceded it to be partly true.

Some chapter headings are misleading, particularly "Sam Brannan and the Vigilantes." There is a fair treatment of the major event of 1856, which started when the former Mormon was absent from the state. True Brannan had been involved in an earlier precedent-setting similar action, about which there is now a prevailing negative historical view, but he had virtually no role in the latter action. Ekins terms Cannon ambivalent about the 1856 movement, but actually he was about as critical as any newspaperman in the city dared to be, saying he "stood clearly against organizations and associations antagonistic to laws." The author-editor would be hard-pressed to prove his assertion that the committee "brought about much needed fiscal reform." An important sidenote to this episode is that southern California anti-Mormons attempted to get the committee to denounce the Latter-day Saints, but utterly failed, thus proving the good will then existing toward the Mormons.

Certainly the strong point of the book is the impressively-presented documentary material which has been the publisher's hallmark for most of a century. The editorial comments and explanations related to the editorial debates are more than adequate. However, when the author-editor diverges farther from his direct subject to comment more generally on topics like plural marriage, his treatment is less satisfactory. Perhaps the general editor and publisher need to draw a tighter rein on such matters to more effectively maintain the focus.

It can be cogently argued that George Q. Cannon's crusade to defend the church actually helped undermine the considerable accumulation of good will that had existed in the region since acquisition from Mexico. State legislators had ignored their colleague Jefferson Hunt's extra wife and all other negative matters until the press debate commenced. In a very real sense, seeking to defend so fervently virtually every negative report related to Mormonism played right into the hands of many editors seeking a good newspaper fight. The result was a growing body of ill-will even prior to Mountain Meadows Massacre making reports of that tragedy the death knell for a viable Latter-day Saint community in the Golden State in the immediate future.

Defending Zion and the series it represents certainly make

important contributions to the history of the Mormons and the American West in general and thus deserve to be read and much appreciated.

EDWARD LEO LYMAN
Victor Valley College

Elder Statesman: A Biography of J. Reuben Clark By D. Michael Quinn (Salt Lake City: Signature Books, 2002. xviii + 631 pp. $49.95.)

IN 1983 D. Michael Quinn's, *J. Reuben Clark: The Church Years* was published by Brigham Young University Press. Now Signature Books has published a more detailed account of Clark's life that is nearly twice as long by the same author. Like its predecessor, this book emphasizes the final twenty-nine years of Clark's life when he served as counselor in the First Presidency of The Church of Jesus Christ of Latter-day Saints. The new book maintains the same chapter sequence as the earlier volume. The text and notes have been updated, however, to reflect additional research by Quinn and more recent work by other scholars. Moreover, portions of Quinn's original manuscript that were altered or deleted prior to publication in 1983 have been restored. As Quinn notes in the preface, the recent volume "fully examines" controversial facets of Clark's experience that the previous volume merely "introduced" (ix).

The biography emphasizes the secular dimensions of Clark's church service including his administrative style, interaction with other members of the church hierarchy, and role in shaping church policies ranging from the Welfare Plan to finances. His political views and public stances on issues including Communism, the New Deal and pacifism are treated thoroughly as are his racial attitudes and artistic tastes. In the process Quinn enables the reader to sense Clark's moral complexity and internal contradictions. For instance, Clark fervently denounced Communism but rejected Cold War anti-Communist defensive strategies including formation of NATO, development of the hydrogen bomb and proposals to establish a peacetime draft.

Despite Clark's stature as a religious leader, the book focuses relatively little upon his spirituality. Quinn shows that Clark routinely worked on Sundays, held few church callings and led what Clark once called "'more or less my own spiritual life'" prior to a spiritual rebirth that apparently occurred in 1923, but the author

does little to illuminate the wellsprings of that awakening (17). Quinn notes Clark's emphasis upon Christology in his sermons but does not evaluate his major work on the topic, *Our Lord of the Gospels*. As an indicator of the book's emphasis, the index identifies over three dozen of the book's references to Clark's spirituality, but it lists far more references to Clark's comments on matters such as Communism, war, and racism.

Quinn's account sparkles with fascinating anecdotes and quotations culled from sources in the LDS church archives which are regrettably no longer generally available to researchers. These sources include the journals and/or correspondence of church leaders such as Heber J. Grant, George Albert Smith, David O. McKay, Joseph Fielding Smith, Harold B. Lee, Spencer W. Kimball, Marion G. Romney, and Stephen L. Richards.

Quinn's creativity, sense of irony, and vivid prose make this book fascinating to read. The book's copious endnotes invite readers to scrutinize the underpinnings of Quinn's conclusions. Readers will find instances where evidence from one year is introduced to illuminate events in a different year; for example, in a discussion of Heber J. Grant's attitudes toward the New Deal in 1934 at the time of his counselor Anthony W. Ivins's death, Quinn quotes an entry from Grant's 1940 diary.

In other places quoted words or phrases appear in misleading contexts. For instance, Francis Gibbons's faith-promoting biography of David O. McKay is cited to show that McKay "wanted 'to be recognized, lauded, and lionized'" — a distortion of Gibbons's argument (263).

Hints of innuendo — some of them more subtle than others — keep the reading lively. For instance, immediately after discussing a sixty-two-page critique of the United Nations penned by Clark in 1945, Quinn indicates that "BYU eventually printed the full text" without any discussion of the nature of the publication or the circumstances surrounding it (312). After quoting a letter from Clark to a non-Mormon to the effect that some Americans had been "blinded" by pro-United Nations rhetoric, Quinn quips, "By extension, he regarded LDS presidents Smith and McKay as 'blinded'" (313).

Unlike official histories, this work reveals and emphasizes considerable conflict within the church's presiding bodies, most notably Clark's relationship with David O. McKay. Indeed, its illumination of such conflicts is one of the book's key historical contributions. Yet Quinn also gives credence to consensus-based accounts, noting the "deep respect and affection which they

[Clark and McKay] expressed publicly and privately" (162).

BRIAN Q. CANNON
Brigham Young University

The Politics of Western Water: The Congressional Career of Wayne Aspinall

By Stephen C. Sturgeon (Tucson: The University of Arizona Press, 2002. xxii + 243 pp. $45.00.)

AS A HISTORIAN by education and public policy analyst by career, I have been interested and involved in the issue of water in the West for more than twenty-five years. It is a fascinating issue. I have seen the battles between those who fight to develop water in the West and those who favor conservation and environmental protection. So when asked if I would review Mr. Sturgeon's book, I jumped at the chance and I am glad I did so.

The book's title is apt. It is the story of Congressman Wayne Aspinall of the fourth congressional district of the state of Colorado, whose career lasted one year shy of a quarter century – from 1949 to 1973. Representative Aspinall's significance lies in the fact that he served as chairman of the powerful House Interior Committee for over half of that time – fourteen years, a time when "committee chairs were the power brokers in Congress" (xvii). During this time some of the most important western federal water development projects in the nation's history became reality.

The book traces Congressman Aspinall's political career from a freshman congressman to a major power broker of water projects, and finally to his electoral defeat in 1972. The author sets the stage by explaining what we all need to know about members of Congress — that they are driven by the desire to meet the needs of their district. Of Aspinall the author writes that he became one of the most powerful figures in the development of western water because he "mastered parliamentary methods and cold war rhetoric not as political ends unto themselves, but rather as tools for a larger purpose: to secure economic prosperity for his district by protecting its share of the Colorado River through federal reclamation projects . . . the centerpiece of his congressional career" (xvi).

The book covers Aspinall's critical role in the passage of the Colorado River Storage Project in 1956. This project, "one of the largest reclamation projects ever constructed in the United States,"

consisted of four major hydroelectric dams and several water-supply units. The passage of this project saw Aspinall's first big clash with the conservation movement over the Echo Park Dam. One of the most interesting battles of water development was the Fryingpan-Arkansas Project (1962) which Aspinall reluctantly supported even though it diverted water from his own district. Aspinall also played a major role in the passage of the Colorado River Basin Project (1968).

Though the history of these projects is well written, the discussion could have been improved had the author listed the dams that were developed in each of the projects and when their construction was completed. A map of these projects that showed where they were located would also have been helpful. Finally, a discussion of the impact of these projects on the West from a 2003 perspective would have been a nice conclusion. Were the environmentalists right that these projects were economic black holes and environmental disasters or were the proponents right that the projects were economic godsends to the West? Or is the truth, as I suspect it is, somewhere in between?

These comments aside, I enjoyed this book. I particularly liked the author's discussion of the battles between environmentalists and those who believed so strongly in the need for western water development. This is especially enlightening since the battle still rages today — though with some significant changes. Anyone interested in the story of water development on the Colorado River would do well to read this book. It is a nice contribution to the field of western water history.

MICHAEL E. CHRISTENSEN
South Jordan, Utah

BOOK NOTICES

Anson Call and the Rocky Mountain Prophecy By Gwen Marler Barney

(Salt Lake City: Call Publishing Company, 2002. xi + 418 pp. Cloth, $24.95; paper, $19.95.)

This beautifully illustrated biography of Anson Call traces the pioneer's life from his birth in Vermont in 1810 until his death in Bountiful, Utah, in 1890. At the age of twenty-six he joined the Mormon faith in Kirtland, Ohio, and devoted the remainder of his life to his family and his church. In August 1842 Call was present at a gathering in Montrose, Iowa, where Joseph Smith proclaimed that his followers would be driven to the Rocky Mountains where they would become a mighty people. Call recorded what became known as the "Rocky Mountain Prophecy" in his journal including the promise that Call would "…go and assist in building cities from one end of the country to the other, and you shall perform as great a work as has ever been done by man…" (99). Anson Call went on to help establish Mormon settlements in Bountiful, Parowan, Fillmore, Call's Fort, Utah; and Carson County, Nevada.

Uranium Frenzy: Saga of the Nuclear West By Raye C. Ringholz

(Logan: Utah State University Press, 2002. xiii + 344 pp. Paper, $19.95.)

Originally published in 1989 under the title *Uranium Frenzy: Boom and Bust on the Colorado Plateau* and reviewed in the Winter 1990 issue of the *Utah Historical Quarterly*, this revised and expanded edition gives a more detailed account of the 1950s uranium boom in Utah and its aftermath. Based primarily on interviews with individuals, including Charlie Steen and Mitchell Melich, involved in the uranium boom and written with an insider's perspective, this is a highly readable account describing the adventure and excitement of uranium discovery and development while giving careful attention to the human suffering that was a direct consequence of the exposure to radioactivity and loss of health that are also a legacy of the uranium boom.

Adult Museum Programs By Bonnie Sachatello-Sawyer, Robert A. Fellenz, Hanly Burton, Laura Gittings-Carlson, Janet Lewis-Mahony, and Walter Woolbaugh

(Walnut Creek, CA: AltaMira Press, 2002. vii + 209 pp. Cloth, $63.00; paper, $24.95.)

Written for museum directors, their staffs, and volunteers, this volume recognizes that while younger students are often the target audience for museum programs, adult learners constitute a unique audience and offer a unique

opportunity for most museums. The authors of this useful volume address three basic questions: What are adult learners looking for? What motivates them to take a class or attend a museum-sponsored activity? What do planners and instructors need to know to maximize the experience for participants? General readers will find the book a useful tool for measuring the quality of their own experiences in visiting museums.

The Sherman Tour Journals of Colonel Richard Irving Dodge Edited by Wayne R. Kime (Norman: University of Oklahoma Press, 2002. xiv + 217 pp. Cloth, $34.95.)

This volume completes the publication by the University of Oklahoma Press of all of the Colonel Richard Irving Dodge journals known to exist. In the summer of 1883, Dodge accompanied General William Tecumseh Sherman, as his aide-de-camp, on a 10,000-mile inspection tour across the Pacific Northwest, California, and the Rocky Mountains that included a stop in Salt Lake City in September 1883. Dodge's journal gives insight into their daily interactions, the terrain they covered, the conditions of military posts they encountered, and the still undeveloped West's civilian communities.

Navajo Land, Navajo Culture: The Utah Experience in the Twentieth Century By Robert S. McPherson (Norman: University of Oklahoma Press, 2003. xiiv + 301 pp. Paper, $19.95.)

This important book of twelve essays on the Navajo experience in Southeastern Utah by Professor Robert S. McPherson of the College of Eastern Utah, San Juan Campus was first published in 2001 in hardback and reviewed in the Fall 2002 issue of the *Utah Historical Quarterly*. The University of Oklahoma Press has done students of Navajo and Utah history a great service in publishing this paperback edition.

The Sunnyside War By Fred Civish (Springville: Bonneville Books, 2003. x + 366 pp. Paper, $19.95.)

Set in Carbon County, Utah during the 1922 coal miners' strike, this novel by a fourth-generation coal miner and journalist uses the major events of the strike to examine the prejudices, perspectives, and experiences of coal operators, union leaders, American and foreign-born coal miners, and families during one of Utah's most extensive and violent labor confrontations. Of special value is

an appendix that includes a list of name, dates, and mines for 1,383 coal miners who lost their lives in Utah mines from 1896 to the present. The author notes that the compilation of this list is a work in progress as more and more names are expected to be found in obscure records—especially those killed before Utah became a state in 1896.

Lost Legacy: The Mormon Office of Presiding Patriarch By Irene M. Bates and E. Gary Smith (University of Illinois Press, 2003. vii + 260 pp. Paper, $19.95.)

Originally published by the University of Illinois Press in 1996, this paperback edition makes more accessible this excellent study of the Office of Presiding Patriarch in the Church of Jesus Christ of Latter-day Saints. The study covers the eight Presiding Patriarchs beginning with Joseph Smith, Sr., ordained by his son, Joseph Smith, Jr., to the office of Church Patriarch on December 18, 1833, and concludes with Eldred G. Smith who served until October 1979 when the position was effectively eliminated. The authors explore the relationships and tensions between those who occupied the office of Presiding Patriarch, the only hereditary office in the LDS church, and those who were called to serve as the First Presidency and Apostles.

Following the Wrong God Home: Footloose in an American Dream By Clive Scott Chisholm (Norman: University of Oklahoma Press, 2003. 406 pp. $34.95.)

As a native of Canada, and head of the Department of Communication at Utah State University before his retirement, Clive Scott Chisholm set out on foot in 1985 to follow the 1,100 mile long Mormon Pioneer Trail across Nebraska and Wyoming to Salt Lake City. More than just an interesting travel narrative, the author "…plays off the Mormon search for the dream of community against the modern search for the American dream of individuality."

Voices of the Buffalo Soldier By Frank N. Schubert (Albuquerque: University of New Mexico Press, 2003. vi + 281 pp. Cloth, $24.95.)

Drawing on a variety of collections with documents on the African-American military experience in the West during the years between the Civil War and World War I, this volume illuminates the experiences of the soldiers through documents, letters, military records, and periodicals. Students of military history will find the accounts of soldier life interesting while students of social history will be intrigued by the interaction of the African-American soldiers with the white communities near their assigned posts and their relationships with the American Indians who were often the primary assignment for the Buffalo Soldiers.

Sand in a Whirlwind: The Paiute Indian War of 1860 By Ferol Egan with a new foreward by Richard Dillon (Reno & Las Vegas: University of Nevada Press, 2003. xxi + 314 pp. Paper, $18.95.)

Often overlooked by Utah historians and other writers of early Utah history are the Indian relations on Utah's far western frontier, now western Nevada, during the late 1850s and early 1860s. Ferol Egan's reprint of *Sand in a Whirlwind: The Paiute Indian War of 1860* (first published by the University of Nevada Press in 1972) with a new forward by Richard Dillon, describes in great detail the causes for the Paiute Indian War; actions taken by the civilian population and the military to subdue the peaceful Paiute Indians, and the eventual outcome of the war. Egan traces the life of Paiute Chief Numaga as he tried to avoid war but when forced to defend his people living near Pyramid Lake, demonstrated great skill as a military tactician.

2003 INDEX

Italic numbers refer to illustrations

A

Alemany, Joseph Sadoc, (archbishop of San Francisco), 18
Anspaugh, Lynn, U of U radiologists, 260-61
Anti-polygamy, *Anti-Polygamy Standard* (newspaper), 30-31, 33-34; rally, 29; Society, 29-31, 34
Armendariz, Pedro, Hollywood actor, contracts cancer, 264
Ashbrook Mining District, *220*
Ashley, James M., Ohio Representative, anti-Mormon legislation, 116-17
Atwood, Margaret, 38

B

Baseball, rhubarbs, between Provo Timps and Brigham City, 206, 212; between Provo Timps and Gemmell team, 206; Heber City protests Sunday games, 202; and Sunday games, 199-200, 202-03, 212
Beck, Harold L., southern Utah leukemia researcher, 263
Berg, Glen, Provo Timp baseball player, 201; baseball biog., 210
Bernhisel, John M., Utah delegate to Congress, boundary debates, 105; *106*; correspondence with Brigham Young, 106-07; report to Brigham Young, 109; northern Utah boundary dispute, 115-16
Birk, Otto, Provo City police chief and Timps baseball team manager, 205
Blue Dugway, *175*
Blue Tea, organization of, 23-24; members of, 24-25; expulsions and schism in, 26-27
Boardman, Donnell, Dr. fallout expert, 258
Booth, Edwin Robert, house in Nephi, *67*
Bourion, Rev. Honore, 18
Box Elder County, map of, *144*; mining district in, 216
Brennan, Peter, *The Star* reporter, reports on death of John Wayne, 252
Bridger, Jim, army guide, 108; Utah's territorial boundaries, 105
Brigham Young Academy, athletic field, *205*
Brocchus, Perry E., Utah federal judge, correspondence with U.S. President James Buchanan, 109
Budweiser Baseball team, *196*
Burton, Dorothy, 50

C

Caballe, Peter, Father, member of Claretian Order, 135-36
Caine, John T., biography of, 360; co-manager Salt Lake Theatre, 355; *352*
Caineville, description of, 177; irrigation canal in, 176; *176-77*
Caldwell, Glyn, Dr., fallout study of military personnel, 262-63
Cannon, George Q., Utah territorial delegate and Mormon apostle, letter to Brigham Young, 119-20; *121*
Capital Wash, description of, 172-73; pioneer register at, 173; telephone to, 172
Cartoon, Can This Be `The Thing?', *250*
Catholic church, in Green River, 127; in Carbon County, 128
Central Baseball League, 200, 202, 203, 204
Channing, J. Park, owner of Vipont Silver Mining Co., 217-18
Channing, R. H., Jr., owner of Vipont Silver Mining Co., 217-18
Claretian Order, at Monticello parish, 136-37; Fathers Peter Caballe, Boniface Mayer, John J. Uriarte, members of, 135-36
Clawson, Hiram B., biography of, 360; co-manager Salt Lake Theatre, 355
Cole, Fanny, death of, 28
Collins, Lob, Provo Timps baseball team manager, 206
Columbus, proposed new territory, 109
Cook, David, turmoil in Grouse Creek, 158-59
Copyright laws, (1831), (1870), 349, 350
Coyne, James C., St. Joseph Parish priest, 140
Critchfield, Lewis Robert, Vipont mine ore hauler, 224

D

Democratic party, position on reapportionment, 238
Densmore, Gilbert B., dramatist and critic, 354
Deseret, State of, *100*
Deseret News, LDS church owned, supports reapportionment, 242
Dirty Harry, atomic bomb test, 256
Douglas, Stephen A., territorial boundary dispute, 105-06; Popular Sovereignty and Utah, 108
Downwinders, Utah, civilian fallout victims, 251
Dunn, Ernest, Grouse Creek lawyer, 152

Dwyer, John C., father of Robert J. Dwyer, 4-5
Dwyer, Robert J., Catholic priest of SLC, bio. of, 4; education of, 5-6; chaplain at St. Mary of the Wasatch and Judge Memorial High School, 6; Mormonism and Mormon historiography, 10-11, 13, 16-17; editor of *The Intermountain Catholic*, 4, 6-7; *The Gentile Comes to Utah*, 8; editor of Capt. Albert Tracy Journal, 13-15, editor of Lorenzo Dow Young diary, 15; meaning of destiny, 16-17; Mormon-Gentile conflicts, 11-12

E

Eisenstat, Harry, major league baseball player, Provo Timps pitcher, 207-08

F

Farnsworth, Franklin Dennis, Vipont miner, marriage to Venola Whitehead, 226
Fisher, Albert L., U of U geographer, views on boundaries, 116
Fisher, Mrs. Junius, Utah Minute Women chair, 40
Fitzpatrick, John E., *The Salt Lake Tribune* publisher, opposed to reapportionment, 239; *240*
Franciscans, in Monticello, Fathers Bertrin Harrington, and Elmer Von Hagel, 137-38
Froiseth, Jennie Anderson, bio., 20-21; Blue Tea founder, 20; marriage, 21-22; author of, *Women of Mormonism*, 31; *30*, *33*; Utah's vice-president national women's suffrage association, 34; president, Sarah Daft home, 35; death of, 34

G

Galaviz, Toribio, Catholic priest, 132-33
Garner, Genet P., 50
Gerson, Jeanne, Hollywood actress, cancerous tumors in, 252, 264; fallout victim, 251-53; organizer of Hollywood downwinders, 257
Gill, Willie, New York actor, performs in Salt Lake Theatre, 355; response to Mark Twain's lawsuit, 358
Giovannoni, Alfredo F., Catholic priest at Helper parish, 128-29, 132-33; Notre Dame school bus and, *128*
Giroux, Wilford J. Catholic priest, 132
Glass, Joseph S. SLC Catholic bishop, 128
Goldberg, Robert A., In memoriam: Dean L. May, 1938-2003, 362-63; *362*
Greenwood, M. J., Utah salvage chairman, 41
Gonzalez, J. P. Monticello Catholic parishioner, 138
Grouse Creek, community band, *160*; community projects in, 154-55; community threshing in, *157*; Main Street in, 150; Mormon meeting house in, 148; Mormon settlement of, 144-46; Mormon Sunday school in, *143*; telephone system at, 151-52

H

Hagan, Albert, biography, 355 fn 24
Hale, Edward H., Vipont's general store owner, 224
Hammer, Dick, St. George restaurant owner, food caterer for film companies, 258
Hansen, Doug, baseball bio., 211-12
Hansen, Helen, 38, 47
Harrington, Bertrin, Father, Franciscan order in Monticello, 137-38
Hart, Dale, Grouse Creek resident, 147
Haynes, Jim, and Cora, wife of, Haynes Boarding House and Laundry owners, 226
Heal, T. H. (Harry), Startup Candy salesman and baseball team manager, 197-98; Provo Timps team founder, 202
Henry, J. Catholic priest, 130
Hooper, William Henry, Utah delegate to Congress, *111*; and Nevada Territorial boundaries, 110-111
Hopkin, Alonzo F., Rich County legislator, view of reapportionment plan, 224
House General Resolution (HGR #5), 235, 236
Howe, Julia Ward, 22-23
Hunt, Duane G., SL Catholic bishop, 134
Hyde, Orson, in Carson Valley, 103

I

Indian Jack, with wife, *154*

J

Jackovich, Karen G., journalist, reports Hollywood stars' deaths from fallout, 255, 259, 260; criticism of, 261
Johnson, Carl, U of U medical researcher, 261-62
Jonas, Frank, U of U political scientist, letter about reapportionment to LDS church First Presidency, 246, 247-48

K

Kaiser, Thomas J. Catholic priest at Monticello parish, 139-40; *139*
Kearns baseball team, 208
Kimber, Bartha McCuiston, Grouse Creek outsider, 153
Kimber, Charles, Grouse Creek storeowner, 154
Kimber, Elmer, Grouse Creek resident, 149
Kimber, Winfred, Grouse Creek resident, 149
King, Samuel H., owner of Vipont Silver Mining Co., 218
Knapp, Harold, Dr., nuclear energy advisor, 256
Krey, Philip W., medical researcher, 263

L

Ladies Literary Club, 26, 32-33
Lake, Frank, and Francis, wife of, Vipont mine owners, *218*
LDS church political affairs committee, 236
Lee, J. Bracken, governor, *233*
Lincoln, Abraham, comments about Brigham Young, 115
Lyon, Joseph, Dr., disputes cancer study, 262, 263

M

Mail, tree, Fruita, *165*, *171*
May, Dean L., historian, In Memoriam, 362-64, *362*
Mayer, Boniface, Father, member of Claretian Order, 135-36
Mazarie, Jim, Provo Baseball Club (Provo Timps), president, 211-12
McCarthy, Charles J., Catholic priest, 130-31
McKay, David O., LDS church president, *238*; political parties and, 256; and reapportionment, 233-34, 244-45
McKean, James B., Third District Court (Salt Lake City) Judge, *353*
McLeod, Rev. Norman, 12
Miller and Lux, California cattle company, in Grouse Creek area, 158
Minute Women (Utah), parade float, *48*; salvage credential card, *45*; salvage drives, 37-38; salvage drive statistics of, 48-49; *50*
Monticello, Catholic church dedication in, 133-34
Mormon colonization, in southeastern Utah, 126-27
Morrill, Justin S., Vermont Congressman, views on Utah, 107
Mott, Jed and Lizzie, Vipont camp house owner, 168-69
Mountaineer (Mormon newspaper), editorial about Nevada, 111-12
Moyle, Henry D., LDS apostle, opposes reapportionment, 234, 240; *245*
Mulford, C. L. "Case," description of farm, 172

N

National Pearl Harbor fats collection day, 44
Nephi (Utah), "Little Chicago," 58
North Park, Provo baseball field, 201
Northwest Box Elder County, *215*
Notom (Pleasant Dale), memories of, 174

O

Ogden City, baseball team, *211*
Oldroyd, Golden, Nephi resident, death of 67; Juab County Democrats, 66; end of World War I, 60; memories of Sanpete Valley Railway, 58-59, 61-62, 63, 65; school teacher, 57
Overly, Don, Provo Timps baseball team player, 204; manager, 206-07, 214

P

Parrish-Potter murders, 14
Parsley, Harry, financial backer, Provo Timps, 209-10
Pendleton, Robert C., Dr., challenged AEC findings, 259-60; Utah radiological expert, 255
Pentecostals, in Monticello, 124
Perry, Mary E., Torrey postmistress, 168
Philips, A., owner of Vipont Silver Mining Co., 217-18
Pittman Act, its effect on Vipont mine, 230-31
Powell, Dick, Hollywood film director, contracted cancer, 264; Norman, son of, spotlights downwinders claims, 256-57
Provo City Timps baseball team, 198, 199, 201-02, 204-05, 214; rhubarbs 212

R

Ramos, Raphael, Catholic priest, 130
Randall, J. B., owner of Vipont Silver Mining Co., 217-18
Rasbach, John, St. Joseph's Parish priest, 140
Raymond, John T., famed actor, 348, 354, 355; as Col. Sellers in "The Gilded Age," 359

Reapportionment, pamphlet, "Call for Action," 241, 243-44; compromise plan, 239-40; Citizens Against Minority Control, 239; election results on, 247; urban-rural balance, 234-35
Recycle, silk and nylon, 47; Clean-Gather-Give, *43*
Reeve, W. Paul, historian, Nevada-Utah state line, 117
Richardson, Verna Kimball, oral historian, 144; remembers community dances, 150
Richins, Mabel, Grouse Creek resident, 151
Robinson, Ellis, biog, 166; *169*
Robinson, Hattie, *166*; relationships with sister-in-law, 175
Robinson, Max and Clay (brothers), *167*
Robinson, Philip, author, *Sinners and Saints,* 54, 56-57, 58
Ruel, William, Catholic priest, 133-34

S

Sacred Heart Mission Church, at LaSal, *140*
St. Anthony of Padua, Helper, 128
St. Joseph's Parish, Monticello, 140; *125; 135*
St. Pius X church, in Moab, 140
Salt Lake Theatre, advertisement of *Gilded Age*, *351; 350*
Salvage, tin, 45-47; Lowell Elementary and, 46; Pepper Metal and Supply Co., 46
Sanchez, Ramon, Catholic priest Price parish, 130
Sanders, John S., Catholic priest ("Log Cabin Priest") 134-35, 139; *136*
San Pete Coal and Coke Company, 55
San Pete Valley Railroad, "Polygamist Central" [railway], 59; "The Creeper" [railway], 60; "Joke-lore" of, 60, 61, 64; "Sanpete Flyer," 63; steam engines, *52*, *55*, *56*, *65;* map of, *57*; demise of, 66
Scanlan, Lawrence, SLC Catholic bishop, 127
Simplot, J. R., Grouse Creek landowner, 160-61
Smith, Jorgen, and Mettie Maria, bio, 167
Spanish explorers, Juan Maria Antonio de Rivera, 126; Dominquez-Escalante, 126
Startup Candy, baseball team, 197-98
Stevenson, Bertha S. (L.A.), past president S.L. County Medical Auxiliary Society, 39; *44*
Stoffel, Msgr. Jerome, 19
Storey, Bob, baseball bio., 209 214
Stowe, Harriet Beecher, 349-50
Sutherland, Jabez Gridley, Salt Lake City attorney, biography, 357 fn.28; involved in Mark Twain copyright law suite, 356-57; *354*

T

Tanner, Herbert, Grouse Creek resident, 161
The Salt Lake Tribune, 233
The Conqueror, publicity, 256
The Gilded Age, novel by Mark Twain and Charles Dudley Warner, 350, 351, 352, 355
Tilford, Frank, biography, 355 fn. 24
Toyn, David H. Grouse Creek LDS bishop, 147, 148; prohibits dancing, 150; released as bishop, 158; settles disputes, 156
Toyn, Rhea, Grouse Creek resident, 151; changes in Grouse Creek, 163
Tuttle, Edward and Rachel, managers Vipont's Gem Cash Grocery, 224
Twain, Mark, dramatization of "The Gilded Age," 353-54; files legal suite in Third District Court (Salt Lake City), 355-56; International Copyright Act (1891), 360; Novelist, 350-51; *348*

U

Udall, Stewart L., downwinders attorney, 263
U. S. Smelter baseball team, *213*
Upstairs to a Mine, authors Violet Boyce and Mabel Harmer, 53
Uriarte, John J., Father, member of Claretian Order, 135-36
Utah, and Kansas-Nebraska Act, 104-05; Colorado boundaries with, 112-13, 115; Compromise of 1850, 101, 103-04; Junior Colleges in, 245; Nevada boundaries with, 115, 116-17; petitions for statehood, 103, 107; physical description of, 101; maps of, *102*, *119*; Wyoming boundaries with, 113, 118
Utah County Baseball League, 198
Utah-Idaho Baseball League, 203, 212
Utah Power and Light, baseball team, *201*
Utah Southern Railroad, 54
Utah State Industrial Baseball League, 205; league standings of, 208

V

Victory canning, in Utah, *40*
V. J. Day (Salt Lake City), Main Street, 36
Vipont, A-level camp in, *225*; baseball team in, 228-29; buildings in, 223, 224; celebrations in, 229-30; description of, 215-16; community activity in, *164*, *229*; elections in, 222; LDS church Sunday

school leaders in, 223; mine payroll robbery, 222; mill in, 221, *224;* mine tram in, 220; population of, 219, 222; school district, 227
Vipont, John and William, brothers, bio., 216-17
Vipont Silver Mining Co., superintendent of, Frank A. Wardlaw, Jr., 218; owners of, Samuel H. King, Frank Lake, A. Philips, J. B. Randall, R. H. Channing, Jr., J. Park Channing, 217-18
Von Hagel, Elmer, Father, Franciscan order in Monticello, 137-38
Voting booth, preparation of, *195*

W

Wahlquist, Grace D., Utah Minute Women chair, 39, 41, 42, 49, 50; *39*
Walker, Dilworth, chairman SLC war services, 43
Wardlaw, Frank A., Vipont mine superintendent, *223*
Warner, Charles Dudley, co-author of *The Gilded Age*, 350-51
Waste paper salvage, paper troopers, 47-48
Wayne, John, Hollywood film actor, contracts cancer, 264; death of, 252; and sons, *259*
Weilenmann, Milton L., *241*; relations with LDS church leaders, 236-37; state Democratic party chair, 236
Whitehead, Donald, family chores of, 226-27; *227*; mail delivery, 227; mine closure, 231
Whitehead, Joseph William (Will) and Alzina, boarding house owners in 225
Whitehead, Orville, fire accident, 227-28
Whittle, Eldon, "lumber truck" driver, *219*
Williams, J. D., U of U political scientist, Frank Jonas letter concerning reapportionment and, 246; meeting with LDS church leaders, 237-38
Wood, B. C., Utah war production board executive secretary, 38-39
World War II, General Motors group bond drive, *51*

Y

Young, Brigham, correspondence with Dwight Eveleth, 114; correspondence with John M. Bernhisel, 105, 106-07, 113; correspondence with Stephen A. Douglas, 106, 107, 114; correspondence with William H. Hooper, 110-11; Provisional State of Deseret and, 101; statehood, 104

Statement of Ownership, Management, and Circulation

The *Utah Historical Quarterly* (ISSN 0042-143X) is published quarterly by the Utah State Historical Society, 300 Rio Grande, Salt Lake City, Utah 84101-1182. The editor is Philip F. Notarianni and the managing editor is Allan Kent Powell with offices at the same address as the publisher. The magazine is owned by the Utah State Historical Society, and no individual or company owns or holds any bonds, mortgages, or other securities of the Society or its magazine.

The following figures are the average number of copies of each issue during the preceding twelve months: 3,097copies printed; 12 dealer and counter sales, 2,666 mail subscriptions; 15 other classes mailed; 2,681 total paid circulation; 38 free distribution (including samples) by mail, carrier, or other means; 2,731 total distribution; 366 inventory for office use, leftover, unaccounted, spoiled after printing; total, 3,097.

The following figures are the actual number of copies of the single issue published nearest to filing date: 3,016 copies printed; 8 dealer and counter sales; 2,612 mail subscriptions; 15 other classes mailed; total paid circulation; 35 free distribution (including samples) by mail, carrier, or other means; total distribution; 2,670 inventory for office use, leftover, unaccounted, spoiled after printing; 346 total 3,016.

UTAH STATE HISTORICAL SOCIETY

Department of Community and Economic Development
Division of State History

BOARD OF STATE HISTORY

MICHAEL W. HOMER, Salt Lake City, 2005, Chair
PAM MILLER, Price, 2007, *Vice Chair*
GARY N. ANDERSON, Logan, 2005
PAUL ANDERSON, Salt Lake City, 2007
KENDALL W. BROWN, Provo, 2005
RONALD G. COLEMAN, Salt Lake City, 2007
KIM A. HYATT, Bountiful, 2005
JOEL C. JANETSKI, Provo, 2005
F. ROSS PETERSON, Logan, 2007
CHERE ROMNEY, Salt Lake City, 2007
WALLY WRIGHT, Salt Lake City, 2005

ADMINISTRATION

PHILIP F. NOTARIANNI, *Director*
WILSON G. MARTIN, *Associate Director*
ALLAN KENT POWELL, *Managing Editor*
KEVIN T. JONES, *State Archaeologist*

The Utah State Historical Society was organized in 1897 by public-spirited Utahns to collect, preserve, and publish Utah and related history. Today, under state sponsorship, the Society fulfills its obligations by publishing the *Utah Historical Quarterly* and other historical materials; collecting historic Utah artifacts; locating, documenting, and preserving historic and prehistoric buildings and sites; and maintaining a specialized research library. Donations and gifts to the Society's programs, museum, or its library are encouraged, for only through such means can it live up to its responsibility of preserving the record of Utah's past.

This publication has been funded with the assistance of a matching grant-in-aid from the National Park Service, under provisions of the National Historic Preservation Act of 1966 as amended.

This program receives financial assistance for identification and preservation of historic properties under Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. The U. S. Department of the Interior prohibits unlawful discrimination on the basis of race, color, national origin, age, or handicap in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office of Equal Opportunity, National Park Service, 1849 C Street, NW, Washington, D.C., 20240.